



THE NEWFOUNDLAND AND LABRADOR GAZETTE

PART I
PUBLISHED BY AUTHORITY

Vol. 95

ST. JOHN'S, FRIDAY, JULY 3, 2020

No. 27

HOUSE OF ASSEMBLY ACCOUNTABILITY, INTEGRITY AND ADMINISTRATION ACT

VARIATION OF DEADLINE NOTICE

NOTICE IS HEREBY GIVEN that, in accordance with the authority under section 5 of the *Temporary Variation of Statutory Deadlines Act*, the Speaker of the House of Assembly hereby varies the following deadline:

Section 20 Duties and responsibilities of commission

The requirement under paragraph 20(5)(b) of the Act to ensure an annual financial audit is completed “before September 1” is varied to no later than “before October 1” for the purpose of the 2020 requirement under that paragraph.

Dated this 10th day of June, 2020.

HONOURABLE SCOTT REID
Speaker of the House of Assembly

Jun 30 & Jul 3

MEMBERS' RESOURCES AND ALLOWANCES RULES UNDER THE HOUSE OF ASSEMBLY ACCOUNTABILITY, INTEGRITY AND ADMINISTRATION ACT

VARIATION OF DEADLINE NOTICE

NOTICE IS HEREBY GIVEN that, in accordance with the authority under section 5 of the *Temporary Variation of Statutory Deadlines Act*, the Speaker of the House of Assembly hereby varies the following deadline:

Section 10 Restrictions on claims

The time period “Before the twenty-first day of each month” in subsection 10(1) is, for the month of May, 2020 only, is extended for a period of 30 days.

Dated this 19th day of May, 2020.

HONOURABLE SCOTT REID
Speaker of the House of Assembly

Jun 30 & Jul 3

MECHANICS' LIEN ACT

NOTICE

Re: Notice of Intention to Release Holdback Pursuant to Sections 12.1 to 12.3 of the *Mechanics' Lien Act*, RSNL 1990, c M-3 (the "Act")

Project: Memorial University of Newfoundland - CSF-001-12 Core Science Facility CP-3R (the "Project"), located at 45 Arctic Ave, St. John's, Newfoundland and Labrador

MEMORIAL UNIVERSITY (the "Owner") has received an application from MARCO SERVICES LIMITED ("Marco") for release of annual holdback pursuant to section 12.1 of the Act.

MARCO'S application for release of holdback relates to work done on the Project under its contract with the Owner (the "Prime Contract") in the period from April 26, 2019 to April 26, 2020.

Pursuant to section 12.2 of the Act, the Owner hereby gives notice to all persons providing services or materials in the performance of the Prime Contract and/or any subcontract from April 26, 2019 to April 26, 2020 that the Owner intends to release MARCO'S requested holdback upon the expiration of 30 days from the date of this notice.

Any persons having outstanding claims against MARCO, or subcontractors to MARCO, in relation to the Project, in order to make a claim for payment against holdback monies certified as owing up to April 26, 2020, are instructed to notify the Owner in writing within 30 days of the date of this notice by registered mail or courier at the following address.

Owner: Facilities Management Building
FM-2040, Project Management Office
14 Phelan Rd
St. John's, NL A1C 5S7
Attention: Kirk Saunders

Pursuant to section 12.3(1) and (2) of the Act, any proceedings to enforce a claim for lien of a contractor, subcontractor, or other person providing services or materials under the Prime Contract or a subcontract from April 26, 2019 to April 26, 2020 must be commenced within 30 days of this notice. After that time, any lien for services or materials provided under the Prime Contract or a subcontract on or before April 26, 2020 will expire, in accordance with the Act.

Any claims for liens regarding services or materials provided after April 26, 2020 are not affected by section 12.3(1) and (2), but remain subject to the other provisions of the Act regarding lien claims.

M. Kirk Saunders, P.Tech, GSC
Project Lead, Core Science Facility

Jul 3

URBAN AND RURAL PLANNING ACT, 2000

**NOTICE OF REGISTRATION
TOWN OF PORTUGAL COVE-ST. PHILIP'S
MUNICIPAL PLAN AMENDMENT No. 7, 2018
DEVELOPMENT REGULATIONS
AMENDMENT No. 8, 2018**

TAKE NOTICE that the TOWN OF PORTUGAL COVE-ST. PHILIP'S Municipal Plan Amendment No. 7, 2018 and Development Regulations Amendment No. 8, 2018, as adopted by Council on the 4th day of February, 2020, has been registered by the Department of Municipal Affairs and Environment.

The purpose of this Amendment is to re-designate and rezone properties located at Civics # 432, 450-452, 460-466 and 478C Old Broad Cove Road and Civic # 34 Johnathan Heights from Agriculture to Residential Low Density to allow potential future development of a residential subdivision.

The TOWN OF PORTUGAL COVE-ST. PHILIP'S Municipal Plan Amendment No. 7, 2018 and Development Regulations Amendment No. 8, 2018, comes into effect on the day that this notice is published in *The Newfoundland and Labrador Gazette*. Anyone who wishes to inspect a copy of the Town of Portugal Cove-St. Philip's Municipal Plan Amendment No. 7, 2018 and Development Regulations Amendment No. 8, 2018 may do so by contacting the Town Office at (709) 895-8000 or planning@pcsp.ca.

TOWN OF PORTUGAL COVE-ST. PHILIP'S
Claudine Murray, Town Clerk

Jul 3

LANDS ACT

**NOTICE OF INTENT, SECTION 7
LANDS ACT, SNL1991 c36 AS AMENDED**

NOTICE IS HEREBY given that an application has been made to the Department of Fisheries and Land Resources, Agriculture and Lands Branch, to acquire title, pursuant to section 7(2) (d) of the said Act, to that piece of Crown lands situated within 15 metres of the waters of North Side Road, Colliers for the purpose of a breakwater and wharf.

The application may intrude on the 15 metre shoreline of the above mentioned water body(s) in various locations. For a detailed map, please see website: <http://www.ma.gov.nl.ca/lands/sec7notifications.html>.

Please note: It may take up to five (5) days from the date of application for details to appear on the website.

Any person wishing to object to the application must file the objection in writing with reasons, within 30 days from the publication of notice on the Department of Fisheries

and Land Resources website, Crown Lands, <http://www.ma.gov.nl.ca/lands/index.html>, to the Minister of Fisheries and Land Resources by mail or email to the nearest Regional Lands Office:

- Eastern Regional Lands Office, P.O. Box 8700, Howley Building, Higgins Line, St. John's, NL, A1B 4J6 Email: easternlandsoffice@gov.nl.ca
- Central Regional Lands Office, P.O. Box 2222, Gander, NL, A1V 2N9 Email: centrallandsoffice@gov.nl.ca
- Western Regional Lands Office, P.O. Box 2006, Sir Richard Squires Building, Corner Brook, NL, A2H 6J8 Email: westernregionlands@gov.nl.ca
- Labrador Regional Lands Office, P.O. Box 3014, Station "B", Happy Valley-Goose Bay, NL, A0P 1E0 Email: labradorlandsoffice@gov.nl.ca

(DISCLAIMER: the *Newfoundland and Labrador Gazette* publishes a NOTICE OF INTENT as received from the Applicant and takes no responsibility for errors or omissions in the property being more particularly described.)

Jul 3

**NOTICE OF INTENT, SECTION 7
LANDS ACT, SNL1991 c36 AS AMENDED**

NOTICE IS HEREBY given that an application has been made to the Department of Fisheries and Land Resources, Agriculture and Lands Branch, to acquire title, pursuant to section 7(2) (d) of the said Act, to that piece of Crown lands situated within 15 metres of the waters of Quidi Vidi Harbour for the purpose of a fishing stage.

The application may intrude on the 15 metre shoreline of the above mentioned water body(s) in various locations. For a detailed map, please see website: <http://www.ma.gov.nl.ca/lands/sec7notifications.html>.

Please note: It may take up to five (5) days from the date of application for details to appear on the website.

Any person wishing to object to the application must file the objection in writing with reasons, within 30 days from the publication of notice on the Department of Fisheries and Land Resources website, Crown Lands, <http://www.ma.gov.nl.ca/lands/index.html>, to the Minister of Fisheries and Land Resources by mail or email to the nearest Regional Lands Office:

- Eastern Regional Lands Office, P.O. Box 8700, Howley Building, Higgins Line, St. John's, NL, A1B 4J6 Email: easternlandsoffice@gov.nl.ca

- Central Regional Lands Office, P.O. Box 2222, Gander, NL, A1V 2N9 Email: centrallandsoffice@gov.nl.ca
- Western Regional Lands Office, P.O. Box 2006, Sir Richard Squires Building, Corner Brook, NL, A2H 6J8 Email: westernregionlands@gov.nl.ca
- Labrador Regional Lands Office, P.O. Box 3014, Station "B", Happy Valley-Goose Bay, NL, A0P 1E0 Email: labradorlandsoffice@gov.nl.ca

(DISCLAIMER: the *Newfoundland and Labrador Gazette* publishes a NOTICE OF INTENT as received from the Applicant and takes no responsibility for errors or omissions in the property being more particularly described.)

Jul 3

TRUSTEE ACT

ESTATE NOTICE

IN THE MATTER OF the Estate of ISABEL MARY FOSTER, Late of St. John's in the Province of Newfoundland and Labrador, Deceased.

ALL PERSONS claiming to be creditors of, or who have any claims or demands either as beneficiaries or next-of-kin (by full or half blood, legal adoption or marriage) upon or affecting, the Estate of ISABEL MARY FOSTER who died at St. John's, NL on or about December 1, 2019, are hereby requested to send particulars thereof in writing, duly attested, to: Office of the Public Trustee, Viking Building, Suite 401 - 136 Crosbie Road, St. John's, NL A1B 3K3.

Particulars will be received by the Public Trustee, as Executor of the Estate of ISABEL MARY FOSTER, on or before August 7, 2020, after which date the said Executor will proceed to distribute the Estate having regard only to the claims of which he then shall have had notice.

DATED at the City of St. John's, in the Province of Newfoundland and Labrador, this 29th day of June, 2020.

OFFICE OF THE PUBLIC TRUSTEE
Administrator of the Estate of
ISABEL MARY FOSTER

ADDRESS FOR SERVICE:
Viking Building
Suite 401 - 136 Crosbie Road
St. John's, NL A1B 3K3

Tel: (709) 729-0850
Fax: (709) 729-3063

Jul 3



THE NEWFOUNDLAND AND LABRADOR GAZETTE

**PART II
SUBORDINATE LEGISLATION
FILED UNDER THE STATUTES AND SUBORDINATE LEGISLATION ACT**

Vol. 95

ST. JOHN'S, FRIDAY, JULY 3, 2020

No. 27

NEWFOUNDLAND AND LABRADOR REGULATIONS

NLR 45/20

NLR 46/20

NLR 47/20



**NEWFOUNDLAND AND LABRADOR
REGULATION 45/20**

St. John's Regatta Day Holiday, 2020 Regulations
under the
Shops' Closing Act
(O.C. 2020 - 103)

(Filed June 30, 2020)

Under the authority of section 10 of the *Shops' Closing Act*, the Lieutenant-Governor in Council makes the following regulations.

Dated at St. John's, June 30, 2020.

Elizabeth Day
Clerk of the Executive Council

REGULATIONS

Analysis

1. Short title
2. Definition
3. Regatta day holiday, 2020

Short title **1.** These regulations may be cited as the *St. John's Regatta Day Holiday, 2020 Regulations*.

Definition **2.** In these regulations, "Act" means the *Shops' Closing Act*.

Regatta day holiday, 2020 **3.** As a result of the cancellation of the St. John's Annual Regatta for the year 2020, the holiday referred to in paragraph 4(1)(d) of the Act shall be observed in the year 2020 on Monday, August 3.

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**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

REGULATIONS

Analysis

- | | |
|--|--|
| 1. Rule 4.01 Amdt.
Form | 8. Rule F1.04 R&S
Definitions |
| 2. Rule 4.02 R&S
Documents requirements | 9. Rule F3A Added
Rule F3A– Interpreters |
| 3. Rule 4.02A Added
Filing documents | F3A.01 Interpreters |
| 4. Rule 18A.04 R&S
Case management judge | 10. F4.07 Amdt.
Information which must be
included in the Originating
application |
| 5. Rule 47A.03 R&S
Appearing remotely with the
permission of the Court | 11. Rule F5.07 Amdt.
Additional information
required for variation of
child support order |
| 6. Rule 56.21 Amdt.
Bonds | |
| 7. Rule F1.02 Amdt.
Application of this Part | |

- | | |
|---|---|
| <p>12. Rule F6.03 Amdt.
Information which must be included in the response</p> <p>13. Rule F8.03 Amdt.
Documents which must be personally served (hand-delivery)</p> <p>14. Rule F8.05 Amdt.
Serving subsequent documents</p> <p>15. Rule F14.02 Amdt.
Mandatory case management</p> <p>16. Rule F14.05 Amdt.
Requirements to attend and be prepared</p> <p>17. Rule F17.02 Amdt.
When an emergency interim application may be made</p> <p>18. Rule F17.06 Amdt.
Requirement to attend</p> <p>19. Rule F17.08 R&S
Where rule does not apply</p> <p>20. Rule F18.03 Amdt.
Getting permission to make an interim application before the first case management hearing</p> <p>21. Rule F18.07 Amdt.
Requirement to attend at the hearing of an interim application</p> <p>22. Rule F19.05 Amdt.
Requirement to attend</p> <p>23. Rule F21.03 Amdt.
Compellability and liability</p> <p>24. Rule F23.06 R&S</p> | <p>25. Rule F25.04 Amdt.
Requirement to attend and be prepared.</p> <p>26. Rule F26.02 Amdt.
Filing requirements</p> <p>27. Rule F30.02 Amdt.
Requirements to attend and be prepared</p> <p>28. Rule F32.02 Amdt.
What information may be contained in an affidavit</p> <p>29. Rule F37.01 Amdt.
Proceedings</p> <p>30. Rule F37.02 Amdt.
Summary judgment</p> <p>31. Rule F37.03 Amdt.
Judicial case conference</p> <p>32. Rule F38.09 Amdt.
Hearings</p> <p>33. Rule F41 Added

Rule F41 – Appearing Remotely

F41.01 Definitions
F41.02 Appearing remotely with the permission of the Court
F41.03 Factors to consider
F41.04 Discretion of the Court
F41.05 Expense of remote appearance</p> <p>34. Forms Amdt.</p> <p>35. Commencement</p> |
|---|---|

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

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

Gander: (709) 256-1115

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 _____, Newfoundland and Labrador, this _____ day of _____, 20____.
_____ Registry Clerk of the Supreme Court of Newfoundland and Labrador

BETWEEN: _____ APPLICANT
(Print full name)

AND: _____ RESPONDENT
(Print full name)

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

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

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

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

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

Type of Order	Fill Out Schedule	Attach
<input type="checkbox"/> Divorce	1	Original marriage certificate
<input type="checkbox"/> Parenting (decision-making and parenting time)	2	-
<input type="checkbox"/> Child Support	3	Financial Statement (Form F10.02A) and/or income information, if applicable
<input type="checkbox"/> Spousal (<i>married</i>) Support or Partner (<i>unmarried</i>) Support	4	Financial Statement (Form F10.02A)
<input type="checkbox"/> Parental Support (<i>for parents</i>) or Dependant Support (<i>for spouse or child of deceased person</i>)	4	Financial Statement (Form F10.02A)
<input type="checkbox"/> Division of Matrimonial (<i>married</i>) Property, Common Law (<i>unmarried</i>) Property, or Property under the <i>FHRMIR Act</i>	5	Property Statement (Form F10.04A)
<input type="checkbox"/> Return of Child (within Canada)	6	Emergency Interim Application (Form 17.03A) if applicable
<input type="checkbox"/> Consent Order or Agreement	7	Signed consent order or agreement
<input type="checkbox"/> Contact Order (contact between a child and a person who is not a parent of the child)	7	-
<input type="checkbox"/> 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				
	<i>Street Address</i>	<i>City</i>	<i>Province</i>	<i>Postal Code</i>
Mailing Address (if different from Residential Address)				
	<i>Street Address or PO Box</i>	<i>City</i>	<i>Province</i>	<i>Postal Code</i>
Telephone Number (if any)	Home:	Cell:		
Fax Number (if any)				
Email Address (if any)	If you provide your email address, the Court may contact you by email.			
Date of Birth	Month:	Day:	Year:	

Occupation(s) or Job(s)		
Citizen / Immigration Status	<input type="checkbox"/> Canadian Citizen	<input type="checkbox"/> Permanent Resident <input type="checkbox"/> Foreign National
Are you a registered Indian under the <i>Indian Act</i>?	<input type="checkbox"/> Yes <input type="checkbox"/> No	If yes, what is the name of your band?
		Do you live on a reserve?
Do you wish to have your matter conducted in French?	<input type="checkbox"/> Yes <input type="checkbox"/> No	
Do you need an interpreter?	<input type="checkbox"/> Yes <input type="checkbox"/> No You may be responsible for your own interpreter fees and arrangements.	If yes, state the language 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		
	<i>Street Address</i>	<i>City Province Postal Code</i>
Mailing Address (if different from Residential Address)		
	<i>Street Address or PO Box</i>	<i>City Province Postal Code</i>
Telephone Number (if any)	Home:	Cell:
Fax Number (if any)		
Email Address (if any)		
Date of Birth	Month:	Day: Year:
Occupation(s) or Job(s)		
Citizen / Immigration Status	<input type="checkbox"/> Canadian Citizen	<input type="checkbox"/> Permanent Resident <input type="checkbox"/> Foreign National
Is the Respondent a registered Indian under the <i>Indian Act</i>?	<input type="checkbox"/> Yes <input type="checkbox"/> No	If yes, what is the name of the Respondent's band?
		Does the Respondent live on a reserve?
Does the Respondent need an interpreter?	<input type="checkbox"/> Yes <input type="checkbox"/> No The Respondent may be responsible for their own interpreter fees and arrangements.	If yes, state the language and dialect:
Lawyer's Name, Telephone Number, and Address (if any)		

Fill in the information about your relationship with the Respondent:

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

- Check this box if you are starting a proceeding against more than one Respondent. Attach an extra page to provide the information of the other Respondent(s) and the details of your relationship with the other Respondent(s).

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

Child 1

Child 2

Child's Full Name		
Mother's Full Name		
Father's Full Name		
Date of Birth <i>(month/day/year)</i>		
Gender		
Child is Currently Living With <i>(Name)</i>		
Disabilities and/or Special Needs		

Child 3

Child 4

Child's Full Name		
Mother's Full Name		
Father's Full Name		
Date of Birth <i>(month/day/year)</i>		
Gender		
Child is Currently Living With <i>(Name)</i>		
Disabilities and/or Special Needs		

- Check this box if there are no children.
- Check this box if there are more than 4 children. Attach an extra page to provide the details of those children.

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

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

Separation:

Check this box if you and your spouse currently live separate and apart and will have lived separate and apart for at least 1 year prior to the determination of the divorce proceeding.

If you and your spouse have been living separate and apart for less than 1 year, you may still file an Originating Application for divorce on the ground of separation. However, you must wait until 1 year has elapsed to file an Application for Judgment for divorce.

Adultery:

Check this box if you are seeking divorce because the Respondent has committed adultery. Attach an extra page with details of the adultery.

You may be required to present further evidence of the adultery. You do not need to name any other person involved. If you choose to name another person, you must serve this Originating Application on that person by personal service. That other person(s) will have the same rights as the Respondent in relation to the adultery claim and may file a Response.

Check this box to declare that you have not condoned or connived in the adultery.

Cruelty:

Check this box if you are seeking divorce because your spouse has treated you with physical or mental cruelty that makes continued cohabitation intolerable. Attach an extra page with details of the cruelty.

You may be required to present further evidence of the physical or mental cruelty.

Check this box to declare that you have not condoned or connived in the cruelty.

Schedule 2 Parenting

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

What are the current parenting arrangements for:

Decision-making about the child(ren):

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

Parenting schedule for holidays and special occasions:

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

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

What are your proposed parenting arrangements for:

Decision-making about the child(ren):

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

Parenting schedule for holidays and special occasions:

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

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

Schedule 3 Child Support

Check all of the boxes that apply:

<input type="checkbox"/> I am seeking the basic table amount as per the <i>Child Support Guidelines</i> .
<input type="checkbox"/> I am seeking special and/or extraordinary expenses . <i>You must complete and attach a Financial Statement (Form F10.02A).</i>
<input type="checkbox"/> I am seeking an amount of child support that is different from the <i>Child Support Guidelines</i> basic table amount . <i>Depending on your reason(s) for seeking an amount different from the Child Support Guidelines, you may have to attach further documentation.</i> List your reason(s) for seeking an amount of child support different from the <i>Child Support Guidelines</i> : <ul style="list-style-type: none"> <input type="checkbox"/> The Respondent and I have agreed to child support in the amount of \$ _____ per month. <input type="checkbox"/> My parenting time with the child(ren) is 40% of the year or more. <i>You must complete and attach a Financial Statement (Form F10.02A).</i> <input type="checkbox"/> The child(ren) is(are) 19 years of age or older. <i>You must complete and attach a Financial Statement (Form F10.02A).</i> <input type="checkbox"/> One or more of the persons who is obligated to pay support has an income that is more than \$150,000 annually. <i>You must complete and attach a Financial Statement (Form F10.02A).</i> <input type="checkbox"/> I am claiming undue hardship for the following reason(s): <div style="border: 1px solid black; height: 60px; margin-top: 5px;"></div> <i>You must complete and attach a Financial Statement (Form F10.02A).</i> <input type="checkbox"/> Other: <div style="border: 1px solid black; height: 40px; margin-top: 5px;"></div> <i>Depending on your claim, you may be required to complete and attach a Financial Statement (Form F10.02A).</i>
<input type="checkbox"/> I am seeking retroactive child support . What is the amount of retroactive child support that you are seeking? \$ _____ What is the date from which you are seeking retroactive child support? (month/day/year) _____ Describe the facts and your reason(s) for seeking retroactive child support: <div style="border: 1px solid black; height: 60px; margin-top: 10px;"></div>

Schedule 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 seeking :

- Spousal support**
- Partner support**
- Parental support**
- Dependant support**

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

I am seeking:

- Retroactive spousal support**
- Retroactive partner support**
- Retroactive parental support**
- Retroactive dependant support**

What is the amount of retroactive support that you are seeking? \$ _____

What is the date from which you are seeking retroactive support? (month/day/year) _____

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

Schedule 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:

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

Schedule 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:

Schedule 7 Other Applications

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

Statement of Truth

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

I declare the facts and information in this Originating Application are true to the best of my knowledge and belief.	
SWORN TO or AFFIRMED at _____, this _____ day of _____, 20_____.	
_____ <i>Signature of Applicant</i>	_____ <i>Signature of Person Authorized to Administer Oaths</i>

Lawyer’s Signature for Fee Waiver

I am employed by the Newfoundland and Labrador Legal Aid Commission or a Newfoundland and Labrador government department under the <i>Executive Council Act</i> and I am the lawyer of record in this matter.	
_____ <i>Signature of Lawyer (if any)</i>	_____ <i>Print Name of Lawyer (if any)</i>

Lawyer’s Certificate

- Check this box if you have a lawyer. Your lawyer must complete this Certificate.
If you are not applying for divorce or do not have a lawyer, you do not have to fill out this Certificate.

I, _____, the Lawyer for _____,	
<small>(Print Lawyer’s Name)</small>	<small>(Print Applicant’s Name)</small>
the Applicant, certify to this Court that I have complied with the requirements of s.9 of the <i>Divorce Act</i> .	
DATED at _____, this _____ day of _____, 20_____.	
_____ <i>Signature of Lawyer</i>	_____ <i>Address of Lawyer</i>

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): www.publiclegalinfo.com or 1 (888) 660-7788

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

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



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

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

BETWEEN: _____ CO-APPLICANT
(Print full name)

AND: _____ CO-APPLICANT
(Print full name)

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

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

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

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

Type of Order	Fill Out Schedule	Attachment(s)
<input type="checkbox"/> Divorce	1	Original marriage certificate
<input type="checkbox"/> Parenting (decision-making and parenting time)	2	Consent Order or agreement
<input type="checkbox"/> Child Support	3	Consent Order or agreement
<input type="checkbox"/> Spousal (<i>married</i>) Support or Partner (<i>unmarried</i>) Support	4	Consent Order or agreement
<input type="checkbox"/> Parental Support (<i>for parents</i>) or Dependant Support (<i>for spouse or child of deceased person</i>)	4	Consent Order or agreement
<input type="checkbox"/> Division of Matrimonial (<i>married</i>) Property, Common Law (<i>unmarried</i>) Property, or Property under the <i>FHRMIR Act</i>	5	Consent Order or agreement
<input type="checkbox"/> Contact Order (contact between a child and a person who is not a parent of the child)	6	-
<input type="checkbox"/> 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				
	<i>Street Address</i>	<i>City</i>	<i>Province</i>	<i>Postal Code</i>
Mailing Address (if different from Residential Address)				
	<i>Street Address or PO Box</i>	<i>City</i>	<i>Province</i>	<i>Postal Code</i>
Telephone Number (if any)	Home:			Cell:
Fax Number (if any)				
Email Address (if any)	If you provide your email address, the Court may contact you by email.			
Date of Birth	Month:	Day:	Year:	
Occupation(s) or Job(s)				
Citizen / Immigration Status	<input type="checkbox"/> Canadian Citizen <input type="checkbox"/> Permanent Resident <input type="checkbox"/> Foreign National			
Are you a registered Indian under the <i>Indian Act</i>?	<input type="checkbox"/> Yes <input type="checkbox"/> No		If yes, what is the name of your band?	
			Do you live on a reserve?	

Do you wish to have your matter conducted in French?	<input type="checkbox"/> Yes <input type="checkbox"/> No	
Do you need an interpreter?	<input type="checkbox"/> Yes <input type="checkbox"/> No You may be responsible for your own interpreter fees and arrangements.	If yes, state the language and dialect:
Lawyer's Name, Telephone Number, and Address (if any)		

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

Current Last Name		Last Name at Birth:
First Name		
Middle Name(s) (if any)		
Gender		
Residential Address		
	<i>Street Address</i>	<i>City</i> <i>Province</i> <i>Postal Code</i>
Mailing Address (if different from Residential Address)		
	<i>Street Address or PO Box</i>	<i>City</i> <i>Province</i> <i>Postal Code</i>
Telephone Number (if any)	Home:	Cell:
Fax Number (if any)		
Email Address (if any)	Please note that if you provide your email address, the Court may contact you by email.	
Date of Birth	Month:	Day: Year:
Occupation(s) or Job(s)		
Citizen / Immigration Status	<input type="checkbox"/> Canadian Citizen <input type="checkbox"/> Permanent Resident <input type="checkbox"/> Foreign National	
Are you a registered Indian under the <i>Indian Act</i>?	<input type="checkbox"/> Yes <input type="checkbox"/> No	If yes, what is the name of your band?
		Do you live on a reserve?
Do you wish to have your matter conducted in French?	<input type="checkbox"/> Yes <input type="checkbox"/> No	
Do you need an interpreter?	<input type="checkbox"/> Yes <input type="checkbox"/> No You may be responsible for your own interpreter fees and arrangements.	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 parties				
Date the parties started living together	Month:	Day:	Year:	OR <input type="checkbox"/> Not applicable
Date of marriage	Month:	Day:	Year:	OR <input type="checkbox"/> Not applicable
Place of marriage				OR <input type="checkbox"/> Not applicable
Prior to the marriage, the first Co-Applicant was	<input type="checkbox"/> Unmarried	<input type="checkbox"/> Divorced	<input type="checkbox"/> Widowed	OR <input type="checkbox"/> Not applicable
Prior to the marriage, the second Co-Applicant was	<input type="checkbox"/> Unmarried	<input type="checkbox"/> Divorced	<input type="checkbox"/> Widowed	OR <input type="checkbox"/> Not applicable
Date of separation	Month:	Day:	Year:	OR <input type="checkbox"/> Not applicable
Date of divorce	Month:	Day:	Year:	OR <input type="checkbox"/> Not applicable

Check this box if there are more than 2 Co-Applicants. Attach an extra page to provide the information of the other Co-Applicant(s) and details of your relationship with the other Co-Applicant(s).

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

	Child 1	Child 2
Child's Full Name		
Mother's Full Name		
Father's Full Name		
Date of Birth <i>(month/day/year)</i>		
Gender		
Child is Currently Living With <i>(Name)</i>		
Disabilities and/or Special Needs		

	Child 3	Child 4
Child's Full Name		
Mother's Full Name		
Father's Full Name		
Date of Birth <i>(month/day/year)</i>		
Gender		
Child is Currently Living With <i>(Name)</i>		
Disabilities and/or Special Needs		

Check this box if there are no children.
 Check this box if there are more than 4 children. Attach an extra page to provide the details of those children.

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 6.)

Schedule 1 Divorce

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

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

We are seeking a divorce because there has been a permanent breakdown in our marriage based upon separation:

<input type="checkbox"/> Check this box if the parties currently live separate and apart and will have lived separate and apart for at least 1 year prior to the determination of the divorce proceeding. <i>If the parties have been living separate and apart for less than 1 year, you may still file an Application for divorce on the ground of separation. However, you must wait until 1 year has elapsed to file an Application for Judgment for divorce.</i>

Check the box that applies to you and fill out any information needed:

<input type="checkbox"/> There are no children of the marriage	OR	<input type="checkbox"/> Reasonable arrangements have been made for the support of the children (Give details and include your annual incomes):
<div style="border: 1px solid black; width: 400px; height: 150px; margin: 0 auto;"></div>		

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 current parenting arrangements for:

Decision-making about the child(ren):

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

Parenting schedule for holidays and special occasions:

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

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

What are your proposed parenting arrangements for:

Decision-making about the child(ren):

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

Parenting schedule for holidays and special occasions:

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

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

Schedule 3 Child Support

Check all of the boxes that apply:

<input type="checkbox"/> We agree to the basic table amount as per the <i>Child Support Guidelines</i> .				
<input type="checkbox"/> We agree on special and/or extraordinary expenses .				
<input type="checkbox"/> We agree to an amount of child support that is different from the <i>Child Support Guidelines</i> basic table amount . What are your incomes? <table border="1" style="margin-left: 40px; border-collapse: collapse; width: 60%;"> <tr> <td style="padding: 2px;">Co-Applicant 1's Annual Income:</td> <td style="padding: 2px;">\$</td> </tr> <tr> <td style="padding: 2px;">Co-Applicant 2's Annual Income:</td> <td style="padding: 2px;">\$</td> </tr> </table> What are your reason(s) for an amount of child support that is different from the <i>Child Support Guidelines</i> ? <input type="checkbox"/> We agree to child support in the amount of \$ _____ per month. <input type="checkbox"/> Each of us has parenting time with the child(ren) for 40% of the year or more. <input type="checkbox"/> The child(ren) is(are) 19 years of age or older. <input type="checkbox"/> One or more of the persons who is obligated to pay support has an income that is more than \$150,000 annually. <input type="checkbox"/> One or more of us is claiming undue hardship for the following reason(s): <div style="border: 1px solid black; height: 40px; margin-left: 40px;"></div> <input type="checkbox"/> Other: <div style="border: 1px solid black; height: 40px; margin-left: 40px;"></div>	Co-Applicant 1's Annual Income:	\$	Co-Applicant 2's Annual Income:	\$
Co-Applicant 1's Annual Income:	\$			
Co-Applicant 2's Annual Income:	\$			
<input type="checkbox"/> We agree to an amount of retroactive child support . Describe the reason(s) for retroactive child support: <div style="border: 1px solid black; height: 80px; margin-left: 40px;"></div>				

Schedule 4 Spousal, Partner, Parental, or Dependant Support

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

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

Schedule 5 Division of Property

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

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

Schedule 6 Other Applications

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

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

Statement of Truth

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

First Co-Applicant

<p>I declare the facts and information in this Joint Originating Application are true to the best of my knowledge and belief.</p> <p>SWORN TO or AFFIRMED at _____, this _____ day of _____, 20____.</p>
<p><i>Signature of First Co-Applicant</i></p>
<p><i>Commissioner of Oaths / Justice of the Peace</i></p>

Second Co-Applicant

<p>I declare the facts and information in this Joint Originating Application are true to the best of my knowledge and belief.</p> <p>SWORN TO or AFFIRMED at _____, this _____ day of _____, 20____.</p>
<p><i>Signature of Second Co-Applicant</i></p>
<p><i>Commissioner of Oaths / Justice of the Peace</i></p>

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 do not need to fill out this section.

First Co-Applicant's Lawyer (if any)

<p>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>.</p> <p>Dated at _____, this _____ day of _____, 20____.</p>
<p><i>Signature of Lawyer</i></p>

Second Co-Applicant's Lawyer (if any)

<p>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>.</p> <p>Dated at _____, this _____ day of _____, 20____.</p>
<p><i>Signature of Lawyer</i></p>

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

Gander: (709) 256-1115

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

Grand Bank: (709) 832-1720

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

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

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

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

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

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

How to Respond to an Originating Application for Variation

Instructions for the Respondent

A family law proceeding has been started against you. 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
Gander: (709) 256-1115
Grand Bank: (709) 832-1720

Grand Falls-Windsor: (709) 292-4260
Happy Valley-Goose Bay: (709) 896-7892
St. John's: (709) 729-2258

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

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

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

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



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

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

BETWEEN: _____ APPLICANT
(Print full name)

AND: _____ RESPONDENT
(Print full name)

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

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

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

Check the type of order(s) that you 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
<input type="checkbox"/> Parenting (decision-making and parenting time)	1	-
<input type="checkbox"/> Child Support	2	Financial Statement (Form F10.02A) and/or income information, if applicable
<input type="checkbox"/> Spousal (<i>married</i>) Support or Partner (<i>unmarried</i>) Support	3	Financial Statement (Form F10.02A)
<input type="checkbox"/> Parental Support (<i>for parents</i>) or Dependant Support (<i>for spouse or child of deceased person</i>)	3	Financial Statement (Form F10.02A)
<input type="checkbox"/> Consent Order or Agreement	4	Signed consent order or agreement
<input type="checkbox"/> Contact Order (contact between a child and a person who is not a parent of the child)	4	-
<input type="checkbox"/> 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)				
	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 provide your email address, the Court may contact you by email.	
Date of Birth	Month:	Day: Year:
Occupation(s) or Job(s)		
Citizen / Immigration Status	<input type="checkbox"/> Canadian Citizen <input type="checkbox"/> Permanent Resident <input type="checkbox"/> Foreign National	
Are you a registered Indian under the <i>Indian Act</i>?	<input type="checkbox"/> Yes <input type="checkbox"/> No	If yes, what is the name of your band?
		Do you live on a reserve?
Do you wish to have your matter conducted in French?	<input type="checkbox"/> Yes <input type="checkbox"/> No	
Do you need an interpreter?	<input type="checkbox"/> Yes <input type="checkbox"/> No You may be responsible for your own interpreter fees and arrangements.	If yes, state the language 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		
	<i>Street Address</i>	<i>City Province Postal Code</i>
Mailing Address (if different from Residential Address)		
	<i>Street Address or PO Box</i>	<i>City Province Postal Code</i>
Telephone Number (if any)	Home:	Cell:
Fax Number (if any)		
Email Address (if any)		
Date of Birth	Month:	Day: Year:
Occupation(s) or Job(s)		
Citizen / Immigration Status	<input type="checkbox"/> Canadian Citizen <input type="checkbox"/> Permanent Resident <input type="checkbox"/> Foreign National	

Is the Respondent a registered Indian under the Indian Act?	<input type="checkbox"/> Yes <input type="checkbox"/> No	If yes, what is the name of the Respondent's band?
		Does the Respondent live on a reserve?
Does the Respondent need an interpreter?	<input type="checkbox"/> Yes <input type="checkbox"/> No The Respondent may be responsible for their own interpreter fees and arrangements.	If yes, state the language and dialect:
Lawyer's Name, Telephone Number, and Address (if any)		

Fill in the information about your relationship with the Respondent:

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

- Check this box if you are starting a proceeding against more than one Respondent. Attach an extra page to this Application to provide the information of the other Respondent(s) and the details of your relationship with the other Respondent(s).

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

	Child 1	Child 2
Child's Full Name		
Mother's Full Name		
Father's Full Name		
Date of Birth <i>(month/day/year)</i>		
Gender		
Child is Currently Living With <i>(Name)</i>		
Disabilities and/or Special Needs		

	Child 3	Child 4
Child's Full Name		
Mother's Full Name		
Father's Full Name		
Date of Birth <i>(month/day/year)</i>		
Gender		
Child is Currently Living With <i>(Name)</i>		
Disabilities and/or Special Needs		

- Check this box if there are no children.
- Check this box if there are more than 4 children. Attach an extra page to provide the details of those children.

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.

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.

<p>I declare that the facts and information in this Originating Application for Variation are true to the best of my knowledge and belief.</p> <p>SWORN TO or AFFIRMED at _____, this _____ day of _____, 20_____.</p>	
<p>_____</p> <p><i>Signature of Applicant</i></p>	<p>_____</p> <p><i>Signature of Person Authorized to Administer Oaths</i></p>

Lawyer's Signature for Fee Waiver

<p>I am employed by the Newfoundland and Labrador Legal Aid Commission or a Newfoundland and Labrador government department under the <i>Executive Council Act</i> and I am the lawyer of record in this matter.</p>	
<p>_____</p> <p><i>Signature of Lawyer (if any)</i></p>	<p>_____</p> <p><i>Print Name of Lawyer (if any)</i></p>

Schedule 1 Parenting

Complete this section if you are applying 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.

What are the current parenting arrangements for:

Decision-making about the child(ren):

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

Parenting schedule for holidays and special occasions:

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

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

What are your proposed parenting arrangements for:

Decision-making about the child(ren):

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

Parenting schedule for holidays and special occasions:

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

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

Schedule 2 Child Support

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

<p>What is your current child support arrangement?</p>	
<p>Are there arrears or unpaid support?</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p><i>If yes, attach the most current Support Enforcement (SED) statement and specify:</i> Amount: \$ _____ As of (date) (month/day/year): _____</p>
<p>Is child support assigned to be paid to someone else? <i>(eg. Department of Advanced Education, Skills, and Labour)</i></p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p><i>If yes, provide the details of the assignment arrangement:</i></p>

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

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

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

Describe the facts and your reason(s) for seeking a change in the amount of child support:

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

I am seeking a **change in child support to an amount that is different from the *Child Support Guidelines basic table amount*.**

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

List your reason(s) for seeking an amount of child support different from the *Child Support Guidelines*:
 Depending on your reasons for seeking an amount different from the *Child Support Guidelines*, you may have to file additional documentation.

- The Respondent and I have agreed to child support in the amount of \$ _____ per month.
- 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:

Describe the facts and your reason(s) for seeking a change in the amount of special and/or extraordinary expenses:

I am seeking **retroactive child support**.

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

What is the amount of retroactive child support that you are seeking? \$ _____

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

I am seeking a **termination of child support**.

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

List your reason(s) for terminating child support:

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

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

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

What is the amount of child support that you are seeking? \$ _____

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

Other changes to child support:

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

What is the amount of child support that you are seeking? \$ _____

Describe your claim, the facts, and your reason(s) for seeking a change in support:

Schedule 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:

<p>What is your current spousal, partner, parental, and/or dependant support arrangement?</p>	
<p>Are there arrears or unpaid support?</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p><i>If yes, attach the most current Support Enforcement (SED) statement and specify:</i> Amount: \$ _____ As of (date) (month/day/year): _____</p>
<p>Is support assigned to be paid to someone else? <i>(eg. Department of Advanced Education, Skills and Labour)</i></p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p><i>If yes, provide the details of the assignment arrangement:</i></p>

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

I am seeking a **change in spousal, partner, parental, or dependant support.**

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

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

I am seeking **retroactive spousal, partner, parental, or dependant support.**

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

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

I am seeking a **termination of spousal, partner, parental, or dependant support.**

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

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

Other change(s) to spousal, partner, parental, or dependant support:

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

Describe your claim, the facts, and your reason(s) for seeking a change in support:

Schedule 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:

[Empty box for text input]

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 _____, Newfoundland and Labrador, this _____ day of _____, 20____.
_____ Registry Clerk of the Supreme Court of Newfoundland and Labrador

BETWEEN: _____ CO-APPLICANT
(Print full name)

AND: _____ CO-APPLICANT
(Print full name)

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

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

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

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

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

Type of Order	Fill Out Schedule	Fill Out Form(s) or Attach Document(s)
<input type="checkbox"/> Parenting (decision-making and parenting time)	1	Consent Order or Agreement
<input type="checkbox"/> Child Support	2	Consent Order or Agreement
<input type="checkbox"/> Spousal (<i>married</i>) Support or Partner (<i>unmarried</i>) Support	3	Consent Order or Agreement
<input type="checkbox"/> Parental Support (<i>for parents</i>) or Dependant Support (<i>for spouse or child of deceased person</i>)	3	Consent Order or Agreement
<input type="checkbox"/> Contact Order (contact between a child and a person who is not a parent of the child)	4	Consent Order or Agreement
<input type="checkbox"/> 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				
	<i>Street Address</i>	<i>City</i>	<i>Province</i>	<i>Postal Code</i>
Mailing Address (if different from Residential Address)				
	<i>Street Address or PO Box</i>	<i>City</i>	<i>Province</i>	<i>Postal Code</i>
Telephone Number (if any)	Home:	Cell:		
Fax Number (if any)				
Email Address (if any)	If you provide your email address, the Court may contact you by email.			
Date of Birth	Month:	Day:	Year:	

Occupation(s) or Job(s)		
Citizen / Immigration Status	<input type="checkbox"/> Canadian Citizen	<input type="checkbox"/> Permanent Resident <input type="checkbox"/> Foreign National
Are you a registered Indian under the <i>Indian Act</i>?	<input type="checkbox"/> Yes <input type="checkbox"/> No	If yes, what is the name of your band?
		Do you live on a reserve?
Do you wish to have your matter conducted in French?	<input type="checkbox"/> Yes <input type="checkbox"/> No	
Do you need an interpreter?	<input type="checkbox"/> Yes <input type="checkbox"/> No	If yes, state the language and dialect:
	You may be responsible for your own interpreter fees and arrangements.	
Lawyer's Name, Telephone Number, and Address (if any)		

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

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

Fill in the information about your relationship below:

Relationship of the parties				
Date the parties started living together	Month:	Day:	Year:	OR <input type="checkbox"/> Not applicable
Date of marriage	Month:	Day:	Year:	OR <input type="checkbox"/> Not applicable
Place of marriage				OR <input type="checkbox"/> Not applicable
Prior to the marriage, the first Co-Applicant was	<input type="checkbox"/> Unmarried	<input type="checkbox"/> Divorced	<input type="checkbox"/> Widowed	OR <input type="checkbox"/> Not applicable
Prior to the marriage, the second Co-Applicant was	<input type="checkbox"/> Unmarried	<input type="checkbox"/> Divorced	<input type="checkbox"/> Widowed	OR <input type="checkbox"/> Not applicable
Date of separation	Month:	Day:	Year:	OR <input type="checkbox"/> Not applicable
Date of divorce	Month:	Day:	Year:	OR <input type="checkbox"/> Not applicable

Check this box if there are more than 2 Co-Applicants. Attach an extra page to provide the information of the other Co-Applicant(s) and details of your relationship with the other Co-Applicant(s).

Fill in the information for every child of your relationship (including children under and over 19 and non-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.
 Check this box if there are more than 4 children. Attach an extra page to provide the details of those children.

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.

What are the current parenting arrangements for:

Decision-making about the child(ren):

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

Parenting schedule for holidays and special occasions:

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

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

What are your proposed parenting arrangements for:

Decision-making about the child(ren):

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

Parenting schedule for holidays and special occasions:

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

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

Schedule 2 Child Support

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

Fill in the information below:

<p>What is your current child support arrangement?</p>	
<p>Are there arrears or unpaid support?</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p><i>If yes, attach the most current Support Enforcement (SED) statement and specify:</i> Amount: \$ _____ As of (date) (month/day/year): _____</p>
<p>Is child support assigned to be paid to someone else? <i>(eg. Department of Advanced Education, Skills, and Labour)</i></p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p><i>If yes, provide the details of the assignment arrangement:</i></p>

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

We agree to calculate child support using the *Child Support Guidelines* basic table amount but agree to change the amount:

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

Describe the reason(s) for changing the amount of child support:

We agree to **change child support to an amount that is different from the *Child Support Guidelines* basic table amount.**

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

What are your incomes?

Co-Applicant 1's Annual Income:	\$
Co-Applicant 2's Annual Income:	\$

Check off the reason(s) for changing the amount of child support to an amount different from the *Child Support Guidelines*:

Both Co-Applicants must each file an Affidavit regarding your incomes and your ability to support your children.

- We agree to child support in the amount of \$ _____ per month.
- Each of us has parenting time with the child(ren) for 40% 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 agree to **change the amount of special and/or extraordinary expenses.**

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

Describe the reason(s) for changing the amount of special and/or extraordinary expenses:

We agree to an **amount of retroactive child support.**

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

What amount of retroactive child support do you agree to? \$ _____

Describe the reason(s) for retroactive child support:

We agree to **terminate child support.**

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

Describe the reason(s) for terminating child support:

We agree to other changes to child support:

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

What amount of child support do you agree to? \$ _____

Describe the reason(s) for changing support:

Schedule 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:

<p>What is your current spousal, partner, parental, and/or dependent support arrangement?</p>	
<p>Are there arrears or unpaid support?</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p><i>If yes, attach the most current Support Enforcement (SED) statement and specify:</i></p> <p>Amount: \$ _____</p> <p>As of (date) (month/day/year): _____</p>
<p>Is support assigned to be paid to someone else? <i>(eg. Department of Advanced Education, Skills and Labour)</i></p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p><i>If yes, provide the details of the assignment arrangement (to the best of your knowledge):</i></p>

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

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

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

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

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

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

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

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

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

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

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

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

Describe your claim, the facts, and your reason(s) for seeking a change in support:

Schedule 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

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 _____,
 this _____ day of _____, 20____.

Signature of First Co-Applicant

Signature of Person Authorized to Administer Oaths

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.

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

Signature of Second Co-Applicant

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

Gander: (709) 256-1115

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

Grand Bank: (709) 832-1720

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

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

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

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

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

--- REMOVE THIS PAGE BEFORE SERVING THE 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

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

Form F6.02A: Response (Family Law)



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

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

BETWEEN: _____ APPLICANT
(Print full name)

AND: _____ RESPONDENT
(Print full name)

AND: _____
(Print full name)

NOT APPLICABLE
 SECOND APPLICANT
 SECOND RESPONDENT

Check all of the boxes that apply:

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

Which claim(s) do you disagree with?

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

I am making my own claims.

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

I am seeking:

Type of Order	Fill Out Schedule	Attach
<input type="checkbox"/> Divorce	1	Original marriage certificate
<input type="checkbox"/> Parenting (decision-making and parenting time)	2	-
<input type="checkbox"/> Child Support	3	Financial Statement (Form F10.02A) if applicable
<input type="checkbox"/> Spousal (<i>married</i>) Support or Partner (<i>unmarried</i>) Support	4	Financial Statement (Form F10.02A)
<input type="checkbox"/> Parental Support (<i>for parents</i>) or Dependant Support (<i>for spouse or child of deceased person</i>)	4	Financial Statement (Form F10.02A)
<input type="checkbox"/> Division of Matrimonial (<i>married</i>) Property or Common Law (<i>unmarried</i>) Property	5	Property Statement (Form F10.02A)
<input type="checkbox"/> Return of Child (within Canada)	6	Emergency Temporary Relief Application (Form 17.03A) if applicable
<input type="checkbox"/> Consent Order	7	Consent Order (Form F34.02A and/or F34.02B)
<input type="checkbox"/> Contact Order (contact between a child and a person who is not a parent of the child)	7	-
<input type="checkbox"/> Other: _____	7	-

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		Last Name at Birth:
First Name		
Middle Name(s) (if any)		
Gender		
Residential Address		
	<i>Street Address</i>	<i>City Province Postal Code</i>
Mailing Address (if different from Residential Address)		
	<i>Street Address or PO Box</i>	<i>City Province Postal Code</i>
Telephone Number (if any)	Home:	Cell:
Fax Number (if any)		
Email Address (if any)	If you provide your email address, the Court may contact you by email.	
Date of Birth	Month:	Day: Year:
Occupation(s) or Job(s)		
Citizen / Immigration Status	<input type="checkbox"/> Canadian Citizen <input type="checkbox"/> Permanent Resident <input type="checkbox"/> Foreign National	
Are you a registered Indian under the <i>Indian Act</i>?	<input type="checkbox"/> Yes <input type="checkbox"/> No	If yes, what is the name of your band?
		Do you live on a reserve?
Do you wish to have your matter conducted in French?	<input type="checkbox"/> Yes <input type="checkbox"/> No	
Do you need an interpreter? You may be responsible for your own interpreter fees and arrangements.	<input type="checkbox"/> Yes <input type="checkbox"/> No	If yes, state the language and dialect:
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 <input type="checkbox"/> Not applicable
Date of marriage	Month:	Day:	Year:	OR <input type="checkbox"/> Not applicable
Place of marriage				OR <input type="checkbox"/> Not applicable
Prior to the marriage, you were	<input type="checkbox"/> Unmarried	<input type="checkbox"/> Divorced	<input type="checkbox"/> Widowed	OR <input type="checkbox"/> Not applicable
Prior to the marriage, the Applicant was	<input type="checkbox"/> Unmarried	<input type="checkbox"/> Divorced	<input type="checkbox"/> Widowed	OR <input type="checkbox"/> Not applicable
Date of separation	Month:	Day:	Year:	OR <input type="checkbox"/> Not applicable
Date of divorce	Month:	Day:	Year:	OR <input type="checkbox"/> Not applicable

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	<input type="checkbox"/> There has been a breakdown in our marriage and there is no likelihood that we will get back together.		
2	<input type="checkbox"/> I am a resident of Newfoundland and Labrador and have been a resident of Newfoundland and Labrador for at least 1 year immediately prior to this application. OR <input type="checkbox"/> My spouse is a resident of Newfoundland and Labrador and has been a resident of Newfoundland and Labrador for at least 1 year immediately prior to this application.		
3	<table border="0" style="width: 100%;"> <tr> <td style="width: 50%; vertical-align: top;"> <input type="checkbox"/> I have attached the original Certificate of Marriage (or Registration of Marriage) to this Application. <i>If you were married in Canada, you can obtain your Certificate of Marriage from the provincial Vital Statistics Agency.</i> <input type="checkbox"/> Check this box if your Certificate of Marriage is not in English or French. You must attach a translation. </td> <td style="width: 50%; vertical-align: top;"> OR <input type="checkbox"/> I was married outside of Canada and I am unable to attach a copy of my Certificate of Marriage (or Registration of Marriage) because it is impossible or impractical to obtain. <i>You will have to make an Interim Application for a Procedural Order (using Form F16.03A) for an Order dispensing with the need to file a Certificate of Marriage.</i> </td> </tr> </table>	<input type="checkbox"/> I have attached the original Certificate of Marriage (or Registration of Marriage) to this Application. <i>If you were married in Canada, you can obtain your Certificate of Marriage from the provincial Vital Statistics Agency.</i> <input type="checkbox"/> Check this box if your Certificate of Marriage is not in English or French. You must attach a translation.	OR <input type="checkbox"/> I was married outside of Canada and I am unable to attach a copy of my Certificate of Marriage (or Registration of Marriage) because it is impossible or impractical to obtain. <i>You will have to make an Interim Application for a Procedural Order (using Form F16.03A) for an Order dispensing with the need to file a Certificate of Marriage.</i>
<input type="checkbox"/> I have attached the original Certificate of Marriage (or Registration of Marriage) to this Application. <i>If you were married in Canada, you can obtain your Certificate of Marriage from the provincial Vital Statistics Agency.</i> <input type="checkbox"/> Check this box if your Certificate of Marriage is not in English or French. You must attach a translation.	OR <input type="checkbox"/> I was married outside of Canada and I am unable to attach a copy of my Certificate of Marriage (or Registration of Marriage) because it is impossible or impractical to obtain. <i>You will have to make an Interim Application for a Procedural Order (using Form F16.03A) for an Order dispensing with the need to file a Certificate of Marriage.</i>		
4	<input type="checkbox"/> There has been no collusion in relation to this application for a divorce.		

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

Separation:

Check this box if you and your spouse currently live separate and apart and will have lived separate and apart for at least 1 year prior to the determination of the divorce proceeding.

If you and your spouse have been living separate and apart for less than 1 year, you may still 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 current parenting arrangements for:

Decision-making about the child(ren):

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

Parenting schedule for holidays and special occasions:

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

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

What are your proposed parenting arrangements for:

Decision-making about the child(ren):

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

Parenting schedule for holidays and special occasions:

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

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

Schedule 3 Child Support

Check all of the boxes that apply:

<input type="checkbox"/> I am seeking the basic table amount as per the <i>Child Support Guidelines</i> .
<input type="checkbox"/> I am seeking special and/or extraordinary expenses . You must complete and attach a Financial Statement (Form F10.02A) .
<input type="checkbox"/> I am seeking an amount of child support that is different from the <i>Child Support Guidelines</i> basic table amount . <i>Depending on your reason(s) for seeking an amount different from the Child Support Guidelines, you may have to attach further documentation.</i> List your reason(s) for seeking an amount of child support different from the <i>Child Support Guidelines</i> : <ul style="list-style-type: none"> <input type="checkbox"/> The Respondent and I have agreed to child support in the amount of \$ _____ per month. <input type="checkbox"/> My parenting time with the child(ren) is 40% of the year or more. <i>You must complete and attach a Financial Statement (Form F10.02A).</i> <input type="checkbox"/> The child(ren) is(are) 19 years of age or older. <i>You must complete and attach a Financial Statement (Form F10.02A).</i> <input type="checkbox"/> One or more of the persons who is obligated to pay support has an income that is more than \$150,000 annually. <i>You must complete and attach a Financial Statement (Form F10.02A).</i> <input type="checkbox"/> I am claiming undue hardship for the following reason(s): <div style="border: 1px solid black; height: 60px; margin-top: 5px;"></div> <i>You must complete and attach a Financial Statement (Form F10.02A).</i> <input type="checkbox"/> Other: <div style="border: 1px solid black; height: 40px; margin-top: 5px;"></div> <i>Depending on your claim, you may be required to complete and attach a Financial Statement (Form F10.02A).</i>
<input type="checkbox"/> I am seeking retroactive child support . What is the amount of retroactive child support that you are seeking? \$ _____ What is the date from which you are seeking retroactive child support? (month/day/year) _____ Describe the facts and your reason(s) for seeking retroactive child support: <div style="border: 1px solid black; height: 60px; margin-top: 5px;"></div>

Schedule 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 seeking :

- Spousal support**
- Partner support**
- Parental support**
- Dependant support**

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

I am seeking:

- Retroactive spousal support**
- Retroactive partner support**
- Retroactive parental support**
- Retroactive dependant support**

What is the amount of retroactive support that you are seeking? \$ _____

What is the date from which you are seeking retroactive support? (month/day/year) _____

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

Schedule 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:

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

Schedule 6 Other Claims

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

Statement of Truth

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

If there is more than 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____.	
_____ <i>Signature of Respondent</i>	_____ <i>Signature of Person Authorized to Administer Oaths</i>

Lawyer’s Signature for Fee Waiver

I am employed by the Newfoundland and Labrador Legal Aid Commission or a Newfoundland and Labrador government department under the <i>Executive Council Act</i> and I am the lawyer of record in this matter.	
_____ <i>Signature of Lawyer (if any)</i>	_____ <i>Print Name of Lawyer (if any)</i>

Lawyer’s Certificate

- Check this box if you have a lawyer and are applying for divorce. Your lawyer must complete this Certificate. If you are not applying for divorce or do not have a lawyer, you do not have to fill out this Certificate.

I, _____, the Lawyer for _____,	
<small>(Print Lawyer’s Name)</small>	<small>(Print Respondent’s Name)</small>
the Respondent, certify to this Court that I have complied with the requirements of s.7.7 of the <i>Divorce Act</i> .	
Dated at _____, this _____ day of _____, 20____.	
_____ <i>Signature of Lawyer</i>	_____ <i>Address of Lawyer</i>

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

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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

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

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 OR FILING THIS FORM ---

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 _____, Newfoundland and Labrador, this _____ day of _____, 20____.	
_____ Registry Clerk of the Supreme Court of Newfoundland and Labrador	

BETWEEN: _____ APPLICANT
(Print full name)

AND: _____ RESPONDENT
(Print full name)

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

You must 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.

My 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)*

SWORN 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:

<input type="checkbox"/> Part A: Employment Information
<input type="checkbox"/> Part B: Income Statement
<input type="checkbox"/> Part C: Monthly Expense Statement

I have completed and attached the following Schedules and/or Forms that apply to me:

<input type="checkbox"/> Schedule 1: Adjustments to Annual Income for Child Support Purposes
<input type="checkbox"/> Schedule 2: Special or Extraordinary Expenses
<input type="checkbox"/> Schedule 3: Undue Hardship
<input type="checkbox"/> Schedule 4: Undertaking to Provide Financial Information

Part A Employment Information

I am currently:

<input type="checkbox"/> Employed: My job (or occupation) is: _____ <i>(Job or Occupation)</i> My employer's name and address is: <div style="border: 1px solid black; height: 40px; width: 100%;"></div> I am paid: <input type="checkbox"/> Every 2 weeks <input type="checkbox"/> Every month <input type="checkbox"/> Other: _____ I have been working for this employer since: _____ <i>(Date: month/day/year)</i>
<input type="checkbox"/> Self-employed: The name of my business, professional practice, or farm is: <div style="border: 1px solid black; height: 80px; width: 100%;"></div>

<input type="checkbox"/> Unemployed: I have been unemployed since: _____ <i>(Date: month/day/year)</i> My most recent job (or occupation) was: _____ <i>(Job or Occupation)</i> My most recent employer's name and address was: _____
<input type="checkbox"/> Retired: I have been retired since: _____ <i>(Date: month/day/year)</i> My most recent job (or occupation) was: _____ <i>(Job or Occupation)</i> My most recent employer's name and address was: _____
<input type="checkbox"/> A shareholder, director, or officer of a corporation: The name of the corporation is: _____ My interest in the corporation is: _____
<input type="checkbox"/> A beneficiary under a trust: The trust settlement agreement is: _____

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 *Indian Act* (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.

If you control a corporation, you must also attach:

- 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 are a beneficiary under a trust, you must also attach:

- The trust settlement agreement; and
- The trust's 3 most recent financial statements.

If you are receiving employment insurance (EI) benefits, social assistance, pension, workers' compensation, disability 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.

- 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 INCOME (Line 150):	\$
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Part C Monthly Expense Statement

Housing and Utilities

Rent / Mortgage	\$
Property Taxes	\$
Property / Rent insurance	\$
Condominium fees	\$
Repairs / Maintenance	\$
Heat / Fuel	\$
Electricity	\$
Water / Sewer	\$
Telephone	\$
Cable / Internet	\$
Lawn care / Snow removal	\$
Other (specify): _____	\$

Household Expenses

Groceries / Household supplies	\$
Meals outside the home	\$
Dry cleaning / laundry	\$
Pet care	\$
Other (specify): _____	\$

Insurance Expenses

Medical insurance premiums	\$
Dental insurance premiums	\$
Life insurance premiums	\$
Disability insurance premiums	\$
Other (specify): _____	\$

Transportation Expenses

Public transit / Taxis	\$
Gas / Oil	\$
Car loan / lease payments	\$
Car Insurance	\$
License(s)	\$
Parking	\$
Repairs / Maintenance	\$
Other (specify): _____	\$

Personal Expenses

Hair care and toiletries	\$
Clothing and footwear	\$
Entertainment / Hobbies	\$
Alcohol / Tobacco	\$
Vacation(s)	\$
Education / School expenses	\$
Medical / Medication expenses	\$
Dental / Eye care expenses	\$
Cell phone	\$
Other (specify): _____	\$

Childcare Expenses

School fees / supplies / tuition	\$
School lunches	\$
Activities and related expenses	\$
Daycare / Babysitter / Summer camps	\$
Clothing and footwear	\$
Hair care and toiletries	\$
Entertainment / Hobbies	\$
Transportation	\$
Books / Toys / Gifts (birthday, holiday, etc.)	\$
Medical / Medication expenses	\$
Dental expenses	\$
Eye care expenses	\$
Other (specify): _____	\$

Savings and Debts

RRSP contributions	\$
RESP contributions	\$
Credit card payments	\$
Payments on loans / lines of credit	\$
Other (specify): _____	\$

Other

Support paid in any other case(s)	\$
Banking / Legal / Accounting expenses	\$
Charitable donations (eg. church)	\$
Other (specify): _____	\$

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

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):	\$
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(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:	\$
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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
		\$	\$	\$	<input type="checkbox"/>
		\$	\$	\$	<input type="checkbox"/>
		\$	\$	\$	<input type="checkbox"/>
		\$	\$	\$	<input type="checkbox"/>
		\$	\$	\$	<input type="checkbox"/>
		\$	\$	\$	<input type="checkbox"/>
		\$	\$	\$	<input type="checkbox"/>

TOTAL AMOUNT OF SPECIAL OR EXTRAORDINARY EXPENSES (per year): \$

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
			\$
			\$
			\$
			\$

- Spending time with my child(ren) (parenting time or access) is unusually expensive for me (eg. travel expenses):

Description of 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 themselves because of illness or disability

Name of Person	Relationship	Nature of Duty	Annual Amount
			\$
			\$
			\$

- Other undue hardship circumstances (Describe):

Description	Annual Amount
	\$
	\$

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

<input type="checkbox"/> I live alone
<input type="checkbox"/> I am living with <i>(Name of the person you are married to / cohabiting with)</i> _____ <div style="border: 1px solid black; padding: 5px; margin-top: 5px;"> <input type="checkbox"/> My spouse's/partner's occupation is: _____ OR <input type="checkbox"/> My spouse/partner does not work outside the home </div> <div style="border: 1px solid black; padding: 5px; margin-top: 5px;"> <input type="checkbox"/> My spouses'/partner's annual income is: \$ _____ OR <input type="checkbox"/> My spouse/partner does not earn any income. </div> <div style="border: 1px solid black; padding: 5px; margin-top: 5px;"> My spouse/partner annual contributes: \$ _____ per year towards the home. </div> <div style="border: 1px solid black; padding: 5px; margin-top: 5px;"> <input type="checkbox"/> I have attached the current income tax returns, notices of assessment, and proof of earnings for my spouse / partner. </div>
<input type="checkbox"/> I / We live with the following other adult(s) _____ <i>Fill in the name(s) of <u>all</u> other adults living in your home</i> <div style="border: 1px solid black; padding: 5px; margin-top: 5px;"> <input type="checkbox"/> I have attached the current income tax returns, notices of assessment, and proof of earnings for the adults I am living with. </div>
<input type="checkbox"/> I / We live with the following children _____ <i>Fill in the name(s) of all children living in your home.</i>

Schedule 4 Undertaking to Provide Financial Information

I, _____, the Respondent Applicant (in Reply) Other:
(Print your name)

in the within matter have filed a: Response Reply

with which I am required to file financial information. At this date, I do not have the required information. By signing this document, I undertake to provide the required information to the Court and the other party (if applicable), within **60 days** from today's date.

I understand that the Court may make an order against me if I do not provide the required information or an adequate explanation for the delay.

You must swear or affirm that this Undertaking is the truth. You must swear or affirm and sign this Undertaking 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 Undertaking at the Court when you file it.

SWORN TO or AFFIRMED at _____, this _____ day of _____, 20____.	
<hr style="border: none; border-top: 1px solid black; margin-bottom: 5px;"/> <i>Signature</i>	<hr style="border: none; border-top: 1px solid black; margin-bottom: 5px;"/> <i>Signature of Person Authorized to Administer Oaths</i>

<hr style="border: none; border-top: 1px solid black; margin-bottom: 5px;"/> <i>Signature of Lawyer (if any)</i>	<hr style="border: none; border-top: 1px solid black; margin-bottom: 5px;"/> <i>Print Name of Lawyer (if any)</i>
--	---

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

Gander: (709) 256-1115

Grand Bank: (709) 832-1720

Grand Falls-Windsor: (709) 292-4260

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

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

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

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

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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 _____, Newfoundland and Labrador, this _____ day of _____, 20____.
_____ Registry Clerk of the Supreme Court of Newfoundland and Labrador

BETWEEN: _____ APPLICANT
(Print full name)

AND: _____ RESPONDENT
(Print full name)

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

I, _____, the Applicant Respondent Other:
(Print your name)

demand that, _____, the Applicant Respondent Other:
(Print the other party's name)

provide copies of the following documents to all parties within 30 days of service of this form:

1	<input type="checkbox"/> Copy of the most recent pension plan statement (and all plans in which you have/will have an interest).
2	<input type="checkbox"/> Confirmation of your entitlement and valuation of any accrued severance benefits, annual leave benefits, and other monetary benefits in which you have an interest.
3	<input type="checkbox"/> Copy of any health and dental insurance coverage available to you through your employer (showing whether coverage is available for your spouse and/or children). <i>If available, provide coverage premiums/employee costs for single person coverage, couple coverage, and/or family coverage.</i>
4	<input type="checkbox"/> Copy of your most recent assessment for any appraisals of the property/properties that you own.

5	<input type="checkbox"/> 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	<input type="checkbox"/> Copy of every bank account statement in your name for the period: _____ .
7	<input type="checkbox"/> 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	<input type="checkbox"/> 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	<input type="checkbox"/> Copy of every credit card statement for all credit cards in your name for the period: _____ .
10	<input type="checkbox"/> Other (Specify): <div style="border: 1px solid black; height: 150px; margin-top: 10px;"></div>

DATED at _____, 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 _____, Newfoundland and Labrador, this _____ day of _____, 20_____.	
_____ Registry Clerk of the Supreme Court of Newfoundland and Labrador	

BETWEEN: _____ APPLICANT
(Print full name)

AND: _____ RESPONDENT
(Print full name)

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

FOR COURT USE ONLY	
HEARING DATE	
The 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

I, _____, the Applicant Respondent Other:
 (Print your name)

am seeking an procedural order without providing notice to any other party.

Part A Basis of application

Check the box that applies to you:

<input type="checkbox"/>	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))
<input type="checkbox"/>	I cannot obtain my original marriage certificate (or registration of marriage).
<input type="checkbox"/>	I am seeking an extension of time to file financial information which must accompany an Originating Application or Originating Application for Variation.
<input type="checkbox"/>	I am seeking an order to renew an Originating Application or Originating Application for Variation.
<input type="checkbox"/>	I am seeking an order relating to the manner or timing of service of a document. (eg. substituted service, dispensing with service, etc.)
<input type="checkbox"/>	Rule (specify rule number) _____ permits this application to be made.
<input type="checkbox"/>	Other: _____

Part B Procedural order(s) sought

Fill in what you are seeking:

Part C **Reasons for seeking procedural order(s) (Affidavit)**

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 Application for a Procedural Order are true to the best of my knowledge and belief.	
SWORN TO or AFFIRMED at _____, this _____ day of _____, 20_____.	
_____ <i>Signature</i>	_____ <i>Signature of Person Authorized to Administer Oaths</i>

Lawyer’s Signature for Fee Waiver

I am employed by the Newfoundland and Labrador Legal Aid Commission or a Newfoundland and Labrador government department under the <i>Executive Council Act</i> and I am the lawyer of record in this matter.	
_____ <i>Signature of Lawyer (if any)</i>	_____ <i>Print Name of Lawyer (if any)</i>

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 application 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 ---

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 _____, Newfoundland and Labrador, this _____ day of _____, 20____.
_____ Registry Clerk of the Supreme Court of Newfoundland and Labrador

BETWEEN: _____ APPLICANT
(Print full name)

AND: _____ RESPONDENT
(Print full name)

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

FOR COURT USE ONLY
HEARING DATE
The 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

I, _____, the Applicant Respondent Other:
(Print Name)

am seeking an emergency interim order without notice to any other party.

Part A Basis of request

In order to make an Emergency Interim Application, you must be able check AT LEAST ONE of the requirements below:

- There is an immediate danger of a child’s removal from the jurisdiction
- There is an immediate danger to the physical, emotional, or psychological safety, security, and well-being of a child or another person
- There would be immediate and irreversible consequences if the order is not granted

In order to make an Emergency Interim Application, you must also be able check AT LEAST ONE of the requirements below:

- The delay in giving notice would or may impose serious harm or prejudice on you or your child(ren).
- There is a degree of urgency or another reason that makes it inappropriate to give notice.
- The circumstances of the case make notice to the other party unnecessary.
- A statute permits (*indicate the title and section of the statute*): _____

Part B Emergency order sought

Fill in the details of the emergency order that you are seeking:

Part C Reasons for seeking emergency order (Affidavit)

Fill in the facts and reasons why you are seeking an emergency order:

[Empty box for providing facts and reasons for seeking an emergency order]

Part D Steps to minimize prejudice

What have you done (and/or what will you do) so that the other party will not be disadvantaged by not being immediately notified of this application?

[Empty rectangular box for response]

Statement of Truth

You must swear or affirm that the facts and information that you have written in this Emergency Interim Application 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 Emergency Interim Application are true to the best of my knowledge and belief.

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

_____ Signature _____ Signature of Person Authorized to Administer Oaths

Lawyer’s Signature for Fee Waiver

I am employed by the Newfoundland and Labrador Legal Aid Commission or a Newfoundland and Labrador government department under the *Executive Council Act* and I am the lawyer of record in this matter.

_____ Signature of Lawyer (if any) _____ Print Name of Lawyer (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)



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

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

BETWEEN: _____ APPLICANT
(Print full name)

AND: _____ RESPONDENT
(Print full name)

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

Check the issues that are in your Offer to Settle and fill out the corresponding Schedules. Remember to sign and date this page of the Offer to Settle:

<input type="checkbox"/> Parenting (Decision-making and/or Parenting time)	Schedule 1
<input type="checkbox"/> Child Support	Schedule 2
<input type="checkbox"/> Spousal, Partner, Parental, or Dependent Support	Schedule 3
<input type="checkbox"/> Division of (Matrimonial or Common Law) Property	Schedule 4
<input type="checkbox"/> Other Offers (eg. contact with a person other than a parent)	Schedule 5

Check whether this offer may be accepted in part:

<input type="checkbox"/> This offer can be accepted in part.
<input type="checkbox"/> This offer cannot be accepted in part; all terms of this offer must be accepted.

Provide the details on any time limits for this offer:

<input type="checkbox"/> Acceptance of this offer must be made on or before (date: month/day/year): _____ at (time) _____
<input type="checkbox"/> Other:

DATED at _____, this _____ day of _____, 20____.
<div style="display: flex; justify-content: space-between;"> <div style="width: 45%; text-align: center;">_____ <i>Signature</i></div> <div style="width: 45%; text-align: center;">_____ <i>Signature of Lawyer (if any)</i></div> </div>

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

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 **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

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) (Name of recipient)
 commencing _____ .
(Date: month/day/year)

Contribution to special and extraordinary expenses:

<input type="checkbox"/> Child care	\$	per month	or	%	of expense
<input type="checkbox"/> Medical and dental insurance premiums for the child(ren)	\$	per month	or	%	of expense
<input type="checkbox"/> Health related expenses (that exceed insurance reimbursement by at least \$100 annually)	\$	per month	or	%	of expense
<input type="checkbox"/> 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
<input type="checkbox"/> Expenses for post-secondary education	\$	per month	or	%	of expense
<input type="checkbox"/> Extraordinary expenses for extracurricular activities	\$	per month	or	%	of expense
<input type="checkbox"/> Other:	\$	per month	or	%	of expense

paid by the payor, _____, to the recipient, _____,
(Name of payor) (Name of recipient)
 , commencing _____ .
(Date: month/day/year)

Child support not in accordance with the Child Support Guidelines table amount of \$ _____,
 paid by the payor, _____, to the recipient, _____,
(Name of payor) (Name of recipient)
 , commencing _____ .
(Date: month/day/year)

Other child support amount of \$ _____ per month (eg. arrears or retroactive support),
 paid by the payor, _____, to the recipient, _____,
(Name of payor) (Name of recipient)
 , commencing _____ .
(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.):

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 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

Gander: (709) 256-1115

Grand Bank: (709) 832-1720

Grand Falls-Windsor: (709) 292-4260

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

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

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

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

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 _____, 20____.
_____ Registry Clerk of the Supreme Court of Newfoundland and Labrador

BETWEEN: _____ APPLICANT
(Print full name)

AND: _____ RESPONDENT
(Print full name)

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

I, _____ the Applicant Respondent Other:
(Print your name)

withdraw my Offer to Settle, dated _____ in relation to the following:
(Date: month/day/year)

Where you wish to withdraw the Offer to Settle in its ENTIRETY, please check the following section:

All terms 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:

Child Support
 List the term(s) of the Offer to Settle that you are withdrawing:

Spousal, Partner, Parental, or Dependent Support
 List the term(s) of the Offer to Settle that you are withdrawing:

Division of (Matrimonial or Common Law) Property
 List the term(s) of the Offer to Settle that you are withdrawing:

Other Offers
 List the term(s) of the Offer to Settle that you are withdrawing:

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

Signature _____ *Signature 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 _____, Newfoundland and Labrador, this _____ day of _____, 20____.
_____ Registry Clerk of the Supreme Court of Newfoundland and Labrador

BETWEEN: _____ APPLICANT
(Print full name)

AND: _____ RESPONDENT
(Print full name)

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

I, _____ the Applicant Respondent Other:
(Print Name)

accept the formal Offer to Settle, dated _____ in relation to the following:
(Date: month/day/year)

If you wish to accept the offering party's Offer to Settle in its ENTIRETY, check the following section:

All terms of the Offer to Settle

If you wish to accept ONE OR MORE of the terms of the Offer to Settle (and the Offer to Settle has specified that the offer to may be accepted in part), indicate which terms you accept below:

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

<input type="checkbox"/> Child Support <i>List the term(s) of the Offer to Settle that you accept:</i> <div style="border: 1px solid black; height: 80px; margin-top: 10px;"></div>
<input type="checkbox"/> Spousal, Partner, Parental, or Dependent Support <i>List the term(s) of the Offer to Settle that you accept:</i> <div style="border: 1px solid black; height: 80px; margin-top: 10px;"></div>
<input type="checkbox"/> Division of (Matrimonial or Common Law) Property <i>List the term(s) of the Offer to Settle that you accept:</i> <div style="border: 1px solid black; height: 80px; margin-top: 10px;"></div>
<input type="checkbox"/> Other Offers <i>List the term(s) of the Offer to Settle that you accept:</i> <div style="border: 1px solid black; height: 80px; margin-top: 10px;"></div>

DATED at _____, this _____ day of _____, 20_____.	
_____ <i>Signature</i>	_____ <i>Signature of Lawyer (if any)</i>

--- 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

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 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:

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

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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 _____, Newfoundland and Labrador, this _____ day of _____, 20____.
_____ Registry Clerk of the Supreme Court of Newfoundland and Labrador

BETWEEN: _____ APPLICANT
(Print full name)

AND: _____ RESPONDENT
(Print full name)

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

I, _____ the Applicant Respondent Other:
(Print your name)

- am requesting a settlement conference. *(Fill out Parts A, B, C, D, and E)*
- am requesting a binding settlement conference. *(Fill out Parts A, B, C, D, E, and Schedule 1)*
- am responding 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:

- am responding to a request for a binding settlement conference.
 - I agree to the request for a binding settlement conference. *(Fill out Parts A, B, C, D, E, and Schedule 1)*
 - I reject the request for a binding settlement conference.

Part A Resolved Issues

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

<input type="checkbox"/> Divorce
<input type="checkbox"/> Parenting (decision-making and parenting time)
<input type="checkbox"/> Child Support
<input type="checkbox"/> Spousal (<i>married</i>) Support or Partner (<i>unmarried</i>) Support
<input type="checkbox"/> Parental Support (<i>for parents</i>) or Dependant Support (<i>for spouse or child of deceased person</i>)
<input type="checkbox"/> Division of Matrimonial (<i>married</i>) Property or Common Law (<i>unmarried</i>) Property
<input type="checkbox"/> Other:

Part B Issues for Settlement Conference

Check the issues that you would like to address at the settlement conference and provide a brief description:

<input type="checkbox"/> Divorce:
<input type="checkbox"/> Parenting (decision-making and parenting time):
<input type="checkbox"/> Child Support:
<input type="checkbox"/> Spousal (<i>married</i>) Support or Partner (<i>unmarried</i>) Support:
<input type="checkbox"/> Parental Support (<i>for parents</i>) or Dependant Support (<i>for spouse or child of deceased person</i>):
<input type="checkbox"/> Division of Matrimonial (<i>married</i>) Property or Common Law (<i>unmarried</i>) Property:
<input type="checkbox"/> Other:

Part C Time Required for Settlement Conference

How much time do you estimate the settlement conference will require?

<input type="checkbox"/> Half day	<input type="checkbox"/> Full day	<input type="checkbox"/> Other:
-----------------------------------	-----------------------------------	---------------------------------

Part D Undertakings

You must indicate that you will do all of the following:

<input type="checkbox"/> I will serve and file a settlement conference brief at least 7 days before the settlement conference date.
<input type="checkbox"/> 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.
<input type="checkbox"/> I will promptly advise the Court if a settlement has been reached prior to the settlement conference date.
<input type="checkbox"/> 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 details of your legal representation below:

<input type="checkbox"/> I am currently represented by (<i>Name of lawyer</i>) _____. <input type="checkbox"/> The above named lawyer will represent me at the settlement conference. <input type="checkbox"/> I will be represented by a different lawyer at the settlement conference: (<i>Name of lawyer</i>) _____. <input type="checkbox"/> I will be representing myself at the settlement conference.
<input type="checkbox"/> I am not currently represented by a lawyer. <input type="checkbox"/> I anticipate having a lawyer for the settlement conference: (<i>Name of lawyer</i>) _____. <input type="checkbox"/> I will be representing myself at the settlement conference.

Signature and Date

DATED at _____, this _____ day of _____, 20_____.	
_____ <i>Signature</i>	_____ <i>Signature of Lawyer (if any)</i>
	_____ <i>Print Name of Lawyer (if any)</i>

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:

<input type="checkbox"/> Divorce:
<input type="checkbox"/> Parenting (decision-making and parenting time):
<input type="checkbox"/> Child Support:
<input type="checkbox"/> Spousal (<i>married</i>) Support or Partner (<i>unmarried</i>) Support:
<input type="checkbox"/> Parental Support (<i>for parents</i>) or Dependant Support (<i>for spouse or child of deceased person</i>):
<input type="checkbox"/> Division of Matrimonial (<i>married</i>) Property or Common Law (<i>unmarried</i>) Property:
<input type="checkbox"/> 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

I, _____ the Applicant Respondent Other:
(Print your 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 entire binding settlement conference process confidential.
I understand that my participation in this binding settlement conference is strictly voluntary and that I can withdraw consent to proceed with a binding settlement conference at any time prior to the conference date.
I have not been coerced or threatened in any way to agree to this binding settlement conference process and I have not been promised anything to get me to agree to this binding settlement conference process.
I understand that I can seek independent legal advice from a lawyer before consenting to this binding settlement conference process, and <input type="checkbox"/> I have received independent legal advice; or <input type="checkbox"/> I have chosen not to seek independent legal advice.

DATED at _____, this _____ day of _____, 20_____.	
_____ <i>Signature</i>	_____ <i>Signature of Lawyer (if any)</i>
	_____ <i>Print Name of Lawyer (if any)</i>

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

Gander: (709) 256-1115

Grand Bank: (709) 832-1720

Grand Falls-Windsor: (709) 292-4260

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

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

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

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

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

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

--- REMOVE THIS PAGE BEFORE FILING 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 Newfoundland and Labrador

BETWEEN: _____ APPLICANT or CO-APPLICANT
(Print full name)

AND: _____ RESPONDENT or CO-APPLICANT
(Print full name)

AND: _____
(Print full name)

NOT APPLICABLE
 SECOND APPLICANT
 SECOND RESPONDENT
 CO-APPLICANT

Part A The Order(s) Sought

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

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

Part B Basis for Application for Judgment

Check the box that applies to your situation:

<input type="checkbox"/>	The Respondent failed to file and serve a Response within the prescribed time.
<input type="checkbox"/>	The Response has been withdrawn or struck out.
<input type="checkbox"/>	The Respondent filed a Response stating that they are not contesting the claim(s) made in the Application.
<input type="checkbox"/>	The Applicant failed to file a Reply in relation to a claim against them made in the Response within the prescribed time.
<input type="checkbox"/>	The Reply has been withdrawn or struck out.
<input type="checkbox"/>	The Applicant filed a Reply stating that they are not contesting the claim(s) made in the Response.
<input type="checkbox"/>	The Co-Applicants filed a Joint Originating Application for the same relief.
<input type="checkbox"/>	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)

<input type="checkbox"/>	Originating Application	<input type="checkbox"/>	Property Statement of the Applicant
<input type="checkbox"/>	Originating Application for Variation	<input type="checkbox"/>	Property Statement of the Respondent
<input type="checkbox"/>	Joint Originating Application	<input type="checkbox"/>	Affidavit of Service
<input type="checkbox"/>	Joint Originating Application for Variation	<input type="checkbox"/>	Previous Court Order(s)
<input type="checkbox"/>	Response	<input type="checkbox"/>	Domestic Contract (eg. Separation Agreement)
<input type="checkbox"/>	Demand for Notice	<input type="checkbox"/>	Certificate (or Registration) of Marriage
<input type="checkbox"/>	Notice of Default	<input type="checkbox"/>	Order dispensing with Certificate of Marriage
<input type="checkbox"/>	Reply	<input type="checkbox"/>	1 self-addressed, stamped envelope with the Applicant's address
<input type="checkbox"/>	Financial Statement of the Applicant	<input type="checkbox"/>	1 self-addressed, stamped envelope with the Respondent's address
<input type="checkbox"/>	Financial Statement of the Respondent	<input type="checkbox"/>	Draft Divorce Judgment and/or other draft orders
<input type="checkbox"/>	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:	Year:
Address of service:			
	<i>Street Address</i>	<i>City</i>	<i>Province</i> <i>Postal Code</i>
Method of service:	For Originating Application or Response (involving divorce and/or parenting):		
	<input type="checkbox"/> Personal service <input type="checkbox"/> Leaving a copy with the Respondent’s lawyer <input type="checkbox"/> Substituted service as ordered by the Court		
Method of service:	For Originating Application or Response (involving claims other than divorce and/or parenting):		
	<input type="checkbox"/> Personal service <input type="checkbox"/> Leaving a copy with the Respondent’s lawyer <input type="checkbox"/> Leaving a copy at the Respondent’s address (and mailing a copy to the same address that day or the following day) <input type="checkbox"/> Regular mail <input type="checkbox"/> Registered mail/Courier <input type="checkbox"/> Email <input type="checkbox"/> Fax <input type="checkbox"/> Electronic document exchange or other electronic form of communication <input type="checkbox"/> Substituted service as ordered by the Court		

Check this box if you are Co-Applicants (filed a Joint Originating Application or Joint Originating Application for Variation). Both Co-Applicants must fill out Part E. Make a copy of pages 4-6 for the second Co-Applicant. Attach both affidavits to this Application for Judgment.

Part E Affidavit

I, _____, of _____
(Print your name) (City/Town and Province)

swear or affirm and say as follows:

- 1. I have personal knowledge of the facts in this affidavit, except where stated to be information learned from someone else and where that is stated, I believe the information to be true.
- 2. Other Proceedings
No other legal proceedings have been commenced by me or the other party with reference to the marriage, cohabitation, parenting, support, or division of property, except as follows:

3. Agreements or Contracts

Check the box that applies to your situation:

There are no agreements or contracts between me and the other party.

OR

There are agreements or contracts between me and the other party.
If the agreement or contract has not been filed with the Court, attach a copy of the agreement or contract to this form.

The agreement or contract deals with the following issues (eg. parenting, child support, property, etc.):

4. Changes to Pleadings

Check the box that applies to your situation:

There have been no changes to the contents in my:

Originating Application Originating Application for Variation Interim Application
 Response Other:

There have been changes to the contents 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.

5. Divorce (if applicable)

In 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.

If you 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.

6. Support (if applicable)

Check 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 applicable)

Costs are claimed in the amount of \$ _____ for the following reasons:

8. 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 party because:

Service of the judgment upon the other party should be 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 Judgment and Affidavit are true to the best of my knowledge and belief.

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

Signature *Signature of Person Authorized 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

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Grand Bank: (709) 832-1720

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

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

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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.

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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 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 _____, Newfoundland and Labrador, this _____ day of _____, 20____.
_____ Registry Clerk of the Supreme Court of Newfoundland and Labrador

BETWEEN: _____ APPLICANT
(Print full name)

AND: _____ RESPONDENT
(Print full name)

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

I, _____ the Applicant Respondent Other (*specify*):
(Print your name)

am requesting a trial.
 am responding to a request for a trial.

Part A Pre-requisites

Check all of the boxes that apply to you:

<input type="checkbox"/> All relevant parties are before the Court.
<input type="checkbox"/> All sworn Financial Statements and/or Property Statements have been filed with the Court.
<input type="checkbox"/> All appropriate pretrial applications have been made.
<input type="checkbox"/> No amendments to the pleadings are contemplated.
<input type="checkbox"/> No further disclosure is required or requested.
<input type="checkbox"/> The parties have participated in or have been excused by a judge from participation in a dispute resolution program or process.

Part B Issues for Trial

Check the issues to be addressed at trial:

<input type="checkbox"/> Divorce
<input type="checkbox"/> Parenting (decision-making and/or parenting time)
<input type="checkbox"/> Child Support
<input type="checkbox"/> Spousal (<i>married</i>) Support or Partner (<i>unmarried</i>) Support
<input type="checkbox"/> Parental Support (<i>for parents</i>) or Dependant Support (<i>for spouse or child of deceased person</i>)
<input type="checkbox"/> Division of Matrimonial (<i>married</i>) Property or Common Law (<i>unmarried</i>) Property
<input type="checkbox"/> 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.
- Check this box if you intend to call more than 4 witnesses. Attach an extra page to provide the details of those witnesses.

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

	Expert Witness 1	Expert Witness 2
Full Name		
Subject of Testimony		
Estimated Time Required for Testimony		

- 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.

Part D Documents for Trial

Check any of the following that apply:

<input type="checkbox"/> A joint book of documents will be filed prior to the trial.
<input type="checkbox"/> A trial brief will be filed in this matter.

Part E Special requirements

Check any of the following that apply:

<input type="checkbox"/> An interpreter is required. <i>Specify language and dialect:</i> You may be responsible for your own interpreter fees, with the exception for French interpreters.
<input type="checkbox"/> Audio recordings may be entered/played in evidence. <i>Specify:</i>
<input type="checkbox"/> Video recordings may be entered/played in evidence. <i>Specify:</i>
<input type="checkbox"/> A party or witness requests the opportunity to give evidence by teleconference or videoconference. <i>Name of party or witness:</i>
<input type="checkbox"/> Other. <i>Specify:</i>

Part F Time Required for Trial

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:

<input type="checkbox"/>	I will participate in a Trial Readiness Conference if requested by the Court.
<input type="checkbox"/>	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.
<input type="checkbox"/>	I will promptly advise the Court if a settlement has been reached prior to the trial date.
<input type="checkbox"/>	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.
<input type="checkbox"/>	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:

<input type="checkbox"/>	I am currently represented by (Name of lawyer) _____.
<input type="checkbox"/>	The above named lawyer will represent me at trial.
<input type="checkbox"/>	I will be represented by a different lawyer at trial: (Name of lawyer) _____.
<input type="checkbox"/>	I will be representing myself at trial.
<input type="checkbox"/>	I am not currently represented by a lawyer.
<input type="checkbox"/>	I anticipate having a lawyer at trial: (Name of lawyer) _____.
<input type="checkbox"/>	I will be representing myself at trial.

Signature and Date

DATED at _____, this _____ day of _____, 20_____.	
_____	_____
<i>Signature</i>	<i>Signature of Lawyer (if any)</i>

	<i>Print Name of Lawyer (if any)</i>

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:

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 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

Grand Bank: (709) 832-1720

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

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

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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 F31.02A: Request for an Informal 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 _____, Newfoundland and Labrador, this _____ day of _____, 20____.
_____ Registry Clerk of the Supreme Court of Newfoundland and Labrador

BETWEEN: _____ APPLICANT
(Print full name)

AND: _____ RESPONDENT
(Print full name)

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

I, _____ the Applicant Respondent Other:
(Print your name)

am requesting an informal trial date.
 am responding to a request for an informal trial date.

Consent and Waiver

I, _____ the Applicant Respondent Other (specify):
(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):

<input type="checkbox"/> Divorce
<input type="checkbox"/> Parenting (decision-making and parenting time)
<input type="checkbox"/> Child Support
<input type="checkbox"/> Spousal (<i>married</i>) Support or Partner (<i>unmarried</i>) Support
<input type="checkbox"/> Parental Support (<i>for parents</i>) or Dependant Support (<i>for spouse or child of deceased person</i>)
<input type="checkbox"/> Division of Matrimonial (<i>married</i>) Property or Common Law (<i>unmarried</i>) Property
<input type="checkbox"/> Other:

Part B Issue(s) for the Informal Trial

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

<input type="checkbox"/> Divorce
<input type="checkbox"/> Parenting (decision-making and parenting time)
<input type="checkbox"/> Child Support
<input type="checkbox"/> Spousal (<i>married</i>) Support or Partner (<i>unmarried</i>) Support
<input type="checkbox"/> Parental Support (<i>for parents</i>) or Dependant Support (<i>for spouse or child of deceased person</i>)
<input type="checkbox"/> Division of Matrimonial (<i>married</i>) Property or Common Law (<i>unmarried</i>) Property
<input type="checkbox"/> 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:

<input type="checkbox"/> 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 informal trial.
<input type="checkbox"/> I will promptly advise the Court if a settlement has been reached prior to the informal trial date.
<input type="checkbox"/> I will promptly advise the Court if, after the case management hearing, it is anticipated that the estimated duration of the informal trial will differ from the estimated time.
<input type="checkbox"/> I will provide the Court and the other party with all documents I intend to rely on in the informal trial.

Part E Legal Representation

Fill in the details of your legal representation below:

<input type="checkbox"/> I am currently represented by (Name of lawyer) _____ . <ul style="list-style-type: none"> <input type="checkbox"/> The above named lawyer will represent me at the informal trial. <input type="checkbox"/> I will be represented by a different lawyer at the informal trial: (Name of lawyer) _____ . <input type="checkbox"/> I will be representing myself at the informal trial.
<input type="checkbox"/> I am not currently represented by a lawyer. <ul style="list-style-type: none"> <input type="checkbox"/> I anticipate having a lawyer at the informal trial: (Name of lawyer) _____ . <input type="checkbox"/> I will be representing myself at the informal trial.

Signature and Date

DATED at _____, this _____ day of _____, 20____.	
_____ <i>Signature</i>	_____ <i>Signature of Lawyer (if any)</i>
_____ <i>Print Name of Lawyer (if any)</i>	

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
Gander: (709) 256-1115
Grand Bank: (709) 832-1720

Grand Falls-Windsor: (709) 292-4260
Happy Valley-Goose Bay: (709) 896-7892
St. John's: (709) 729-2258

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

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

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

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

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



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

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

BETWEEN: _____ APPLICANT
(Print full name) CO-APPLICANT

AND: _____ RESPONDENT
(Print full name) CO-APPLICANT

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

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

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

IT IS ORDERED THAT under the:

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

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):

OR

Both parents make the decisions together (Joint Decision-Making Responsibility)

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 parties agree that there shall be:

- Shared parenting. *(Fill in the details of your arrangement below)*
- Primary residence with *(name)* _____ and parenting time arrangements. *(Fill in the details of your arrangement below)*
- 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):

Division of Property

The parties 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:

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)

DATE (month/day/year): _____
Signature of Applicant (or Co-Applicant)
Address of Applicant (or Co-Applicant)
Signature of Person Authorized to Administer Oaths

Respondent (or Co-Applicant)

DATE (month/day/year): _____
Signature of Respondent (or Co-Applicant)
Address of Respondent (or Co-Applicant)
Signature of Person Authorized to Administer Oaths

Applicant's (or Co-Applicant's) Lawyer (if any)

DATE (month/day/year): _____
Signature of Lawyer
Print name of Lawyer

Respondent's (or Co-Applicant's) Lawyer (if any)

DATE (month/day/year): _____
Signature of Lawyer
Print name of Lawyer

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

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



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

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

BETWEEN: _____ APPLICANT
(Print full name)

AND: _____ RESPONDENT
(Print full name)

AND: _____
(Print full name)

NOT APPLICABLE
 SECOND APPLICANT
 SECOND RESPONDENT

I swear or affirm that I, _____ of, _____
(Print your name) (City and Province)

did see _____ sign their name to the Order/Agreement attached
(Print name)

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)



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

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

BETWEEN: _____ APPLICANT
(Print full name)

AND: _____ RESPONDENT
(Print full name)

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

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 _____, Newfoundland and Labrador, this _____ day of _____, 20____.
_____ Registry Clerk of the Supreme Court of Newfoundland and Labrador

BETWEEN: _____ APPLICANT
(Print full name)

AND: _____ RESPONDENT
(Print full name)

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

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

Part A 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 <i>(month/day/year)</i>		
Gender		
Child is Currently Living With <i>(Name)</i>		
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.

Part B 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				
	<i>Street Address</i>	<i>City</i>	<i>Province</i>	<i>Postal Code</i>
Mailing Address <i>(if different from Residential Address)</i>				
	<i>Street Address or PO Box</i>	<i>City</i>	<i>Province</i>	<i>Postal Code</i>
Telephone Number (if any)	Home:	Cell:		
Fax Number (if any)				
Email Address (if any)	If you provide your email address, the Court may contact you by email.			
Date of Birth	Month:	Day:	Year:	

Occupation(s) or Job(s)		
Citizen / Immigration Status	<input type="checkbox"/> Canadian Citizen	<input type="checkbox"/> Permanent Resident <input type="checkbox"/> Foreign National
Are you a registered Indian under the <i>Indian Act</i>?	<input type="checkbox"/> Yes <input type="checkbox"/> No	If yes, what is the name of your band?
		Do you live on a reserve?
Do you wish to have your matter conducted in French?	<input type="checkbox"/> Yes <input type="checkbox"/> No	
Do you need an interpreter?	<input type="checkbox"/> Yes <input type="checkbox"/> No You may be responsible for your own interpreter fees and arrangements.	If yes, state the language 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		
	<i>Street Address</i>	<i>City Province Postal Code</i>
Mailing Address (if different from Residential Address)		
	<i>Street Address or PO Box</i>	<i>City Province Postal Code</i>
Telephone Number (if any)	Home:	Cell:
Fax Number (if any)		
Email Address (if any)		
Date of Birth	Month:	Day: Year:
Occupation(s) or Job(s)		
Citizen / Immigration Status	<input type="checkbox"/> Canadian Citizen	<input type="checkbox"/> Permanent Resident <input type="checkbox"/> Foreign National
Is the Respondent a registered Indian under the <i>Indian Act</i>?	<input type="checkbox"/> Yes <input type="checkbox"/> No	If yes, what is the name of the Respondent's band?
		Does the Respondent live on a reserve?
Does the Respondent need an interpreter?	<input type="checkbox"/> Yes <input type="checkbox"/> No The Respondent may be responsible for their own interpreter fees and arrangements.	If yes, state the language and dialect:
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 Originating Application for the Return of a Child are true to the best of my knowledge and belief.

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

Signature of Applicant

Signature of Person Authorized to Administer Oaths

Lawyer's Signature for Fee Waiver

I am employed by the Newfoundland and Labrador Legal Aid Commission or a Newfoundland and Labrador government department under the *Executive Council Act* and I am the lawyer of record in this matter.

Signature of Lawyer (if any)

Print Name of Lawyer (if any)

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)**

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

BETWEEN: _____ APPLICANT
(Print full name)

AND: _____ RESPONDENT
(Print full name)

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

I, _____, the Applicant Respondent Other:
(Print your name)

swear or affirm and say as follows:

I have personal knowledge of the matters referred to herein except where otherwise specified.

I make this application in support of my Application for the return of the following child(ren) under the *Hague Convention on International Child Abduction* (for the return of a child from outside Canada)

Child's Full Name	
Date of Birth (month/day/year)	

Child's Full Name	
Date of Birth (month/day/year)	

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:

[Empty rectangular box for reasons for making the application]

Provide the details of any ongoing court proceedings, court orders, written agreements, and/or laws relating to the decision-making and/or parenting time of the child(ren). 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.

[Empty rectangular box for details of court proceedings, orders, etc.]

Check this box if not applicable.

Statement of Truth

You must swear or affirm that the facts and information that you have written in this Affidavit 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 of this Affidavit are true to the best of my knowledge and belief.

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

Signature

Signature of Person Authorized to Administer Oaths

Court File 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*

The obligee in this bond is the Registrar of the Supreme Court of Newfoundland and Labrador, General Division acting for the benefit of creditors and persons entitled to share in the estate of the deceased.

The principal and the sureties bind themselves, their heirs, executors, successors and assigns jointly and severally to the Registrar of the Supreme Court of Newfoundland and Labrador, General Division in the amount 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 Oaths

Signature of Applicant / Applicant's Lawyer

Signature of 1st Surety

Signature of 2nd Surety

Court File No. _____

**IN THE SUPREME COURT OF NEWFOUNDLAND AND LABRADOR
GENERAL DIVISION**

IN THE ESTATE OF _____ DECEASED

AFFIDAVIT OF JUSTIFICATION

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 the property of the deceased, named in this bond, for the faithful administration of the property of the deceased.
2. I am a resident of Newfoundland and Labrador and I have property of a value equal to the amount of \$ _____ over and above all encumbrances and over and above what will pay my debts and every sum for which I am now bail, or for which I am liable as surety or endorser or otherwise.
3. I am 19 years of age or older.

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

Signature of Person Authorized to Administer Oaths

Signature of Surety

Court File No. _____

**IN THE SUPREME COURT OF NEWFOUNDLAND AND LABRADOR
GENERAL DIVISION**

IN THE ESTATE OF _____ DECEASED

AFFIDAVIT OF JUSTIFICATION

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 the property of the deceased, named in this bond, for the faithful administration of the property of the deceased.
- 1. I am a resident of Newfoundland and Labrador and I have property of a value equal to the amount of \$ _____ over and above all encumbrances and over and above what will pay my debts and every sum for which I am now bail, or for which I am liable as surety or endorser or otherwise.
- 2. I am 19 years of age or older.

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

Signature of Person Authorized to Administer Oaths

Signature of Surety



**NEWFOUNDLAND AND LABRADOR
REGULATION 47/20**

Consolidated Orders (Amendment)
under the
Public Service Collective Bargaining Act
(O.C. 2020-104)

(Filed July 2, 2020)

Under the authority of subparagraph 2(1)(i)(ii) of the *Public Service Collective Bargaining Act*, the Lieutenant-Governor in Council makes the following Order.

Dated at St. John's, June 30, 2020.

Elizabeth Day
Clerk of the Executive Council

ORDER

Analysis

1. Sch. B Amdt.

CNLR 969/96
as amended

1. Schedule B of the *Consolidated Orders* is amended by adding at the end of Schedule B the following:

44. Newfoundland and Labrador Centre for Health Information

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PART II

CONTINUING INDEX OF SUBORDINATE LEGISLATION

Title of Act and Subordinate Legislation made thereunder	CNLR or NL Reg.	Amendment	NL Gazette Date & Page No.
Shop’s Closing Act			
St. John’s Regatta Day Holiday, 2020 Regulations	NLR 45/20	New Extraordinary Gazette - June 30, 2020	Jul 3/20 p. 205
Judicature Act			
Rules of Supreme Court, 1986 (Amendment)	NLR 46/20	Rule 4.01 Amdt. Rule 4.02 R&S Rule 4.02A Added Rule 18A.04 R&S Rule 47A.03 R&S Rule 56.21 Amdt. Rule F1.02 Amdt. Rule F1.04 R&S Rule F3A Added Rule F4.07 Amdt. Rule F5.07 Amdt. Rule F6.03 Amdt. Rule F8.03 Amdt. Rule F8.05 Amdt. Rule F14.02 Amdt. Rule F14.05 Amdt. Rule F17.02 Amdt. Rule 17.06 Amdt. Rule F17.08 R&S Rule F18.03 R&S Rule F18.07 Amdt. Rule F19.05 Amdt. Rule F21.03 Amdt. Rule F23.06 R&S Rule F25.04 Amdt. Rule F26.02 Amdt. Rule F30.02 Amdt. Rule F32.02 Amdt.	Jul 3/20 p. 207

PART II
CONTINUING INDEX OF SUBORDINATE LEGISLATION

Title of Act and Subordinate Legislation made thereunder	CNLR or NL Reg.	Amendment	NL Gazette Date & Page No.
CONT.			
Judicature Act (continued)...			
Rules of Supreme Court, 1986 (Amendment)	NLR 46/20	Rule F37.01 Amdt. Rule F37.02 Amdt. Rule F38.09 Amdt. Rule F41 Added Forms Amdt.	
Public Service Collective Bargaining Act			
Consolidated Orders (Amendment)	NLR 47/20	Amends CNLR 969/96 Sch. B Amdt.	Jul 3/20 p. 395

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The Newfoundland and Labrador Gazette
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Trustee Act - Estate Notice - 1 week	\$34.65	\$5.20	\$39.85
Trustee Act - Estate Notice - 2 weeks	\$62.37	\$9.36	\$71.73
Trustee Act - Estate Notice - 3 weeks	\$91.25	\$13.69	\$104.94
Trustee Act - Estate Notice - 4 weeks	\$118.97	\$17.85	\$136.82

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