

Nova Scotia Civil Procedure Rules
Amendment (Family Division Rules)
June 11, 2024

The following Rules and Forms are amended as follows:

1. The title of Rule 59 is changed to “Rule 59 - Supreme Court (Family Division) Rules”.
2. The words “Rule 5.18” in Rule 59.16(4) are replaced with “Rule 5.27”.
3. The letter “s” is added to the word “procedure” in Rule 60A.01(1).
4. The following Rule 60A.01A is added following Rule 60A.01(4):

60A.01A Interpretation of Rule 60A
In this Rule, “representative” means a person appointed as a representative of an agency under the *Children and Family Services Act*.
5. The phrase “and service at this address must be deemed to be service on the individual” is added following the word “Notice” in Rule 60A.02(5).
6. The period at the end of Rule 60A.03(1)(h) is changed to a semi-colon, and the following are added to Rule 60A.03(1):
 - (i) a statement as to whether there was a previous child protection proceeding in Nova Scotia relating to this child, and if so:
 - (i) the number of months the child was the subject of an order for temporary care and custody made under section 42(1)(d) of the *Children and Family Services Act*, or
 - (ii) a representation that the agency will file a statement about the number of months the child was the subject of an order for temporary care and custody no more than one month after filing the notice of child protection application;
 - (j) a statement whether the child is, or is entitled to be, an Aboriginal child and, if so, whether the child is, or is entitled to be, a Mi’kmaq child and whether the child’s band is known.
7. The word “from” in Rule 60A.03(4) is replaced with the word “of”.

8. The words “Family Division” in Rule 60A.04 are replaced with “Supreme Court (Family Division)”.
9. The words “litigation guardian” in Rule 60A.05 are replaced with “guardian *ad litem*”.
10. The letter “s” is deleted from the word “proceedings” in Rule 60A.05.
11. Rule 60A.06 is deleted and replaced with the following Rules 60A.06(1) to (12):

60A.06 Guardian *Ad Litem*

- (1) The process for appointment and role of the guardian *ad litem* of a child under the *Children and Family Services Act* must be governed by Rule 60A and not Rule 36.
- (2) A person may apply to become the guardian *ad litem* by filing a sworn statement of the guardian *ad litem* which may be in Form 60A.06.
- (3) The statement of the guardian *ad litem* must be entitled “Statement of the Guardian *Ad Litem*”, be sworn or affirmed by the guardian *ad litem*, and must include all of the following:
 - (a) provide the guardian’s consent to be guardian *ad litem* for the child;
 - (b) confirmation that the guardian *ad litem* has no prior relationship that could interfere with or prevent the guardian *ad litem* from acting for the child;
 - (c) confirmation that the guardian *ad litem* has retained a lawyer, and the name of the lawyer;
 - (d) confirmation that the guardian *ad litem* has no interest in the proceeding adverse to that of the child;
 - (e) an acknowledgment the guardian *ad litem* may be liable for court costs if the guardian *ad litem* abuses the court’s processes;
 - (f) where the child for whom the guardian *ad litem* is proposed is a Mi’kmaq child:
 - (i) any Mi’kmaq or Aboriginal heritage and community connections of the guardian *ad litem*;
 - (ii) confirm the guardian *ad litem*’s competence and understanding of the importance of a Mi’kmaq child’s connection with the child’s First Nation, heritage, spirituality and traditions.

- (g) where the child for whom the guardian *ad litem* is proposed is an Aboriginal child:
 - (i) the Aboriginal heritage of the guardian *ad litem*;
 - (ii) confirm the guardian *ad litem*'s competence and understanding of the importance of an Aboriginal child's connection with the child's culture, heritage, spirituality and traditions.
- (h) where the child for whom the guardian *ad litem* is proposed identifies with a diverse group and/or a recognized community or cultural group:
 - (i) any connections of the guardian *ad litem* with the child's diverse, community or cultural group;
 - (ii) confirm the guardian *ad litem*'s competence and understanding of the child's diverse group, community or cultural group, including heritage, spirituality and traditions, and the importance of those to the child.
- (4) On a motion a judge may appoint, discharge, or replace a guardian *ad litem* of a child.
- (5) The order appointing the guardian *ad litem* must name the child by their guardian *ad litem* as a party and include a reference to Regulation 41 under the *Children and Family Services Act* which specifies the fees and disbursements of the guardian *ad litem* and lawyer for the guardian *ad litem*.
- (6) The order appointing the guardian *ad litem* may be in Form 60A.06A.
- (7) A guardian *ad litem* for a child continues to have authority when the child reaches sixteen years of age unless a judge otherwise orders.
- (8) Where a guardian *ad litem* is appointed, discharged, or replaced, the Minister of Community Services must make a motion to amend the heading to reflect the change regarding the guardian *ad litem*.
- (9) A guardian *ad litem* must be represented by counsel.
- (10) A guardian *ad litem* may make any decision a party could make in a proceeding except the guardian *ad litem* must make decisions and recommendations in the child's interests.

(11) The guardian *ad litem* must file a report:

- (a) one week prior to the prehearing conference before the protection hearing;
- (b) one week prior to the prehearing conference before the disposition hearing;
- (c) one week prior to a review hearing;
- (d) as directed by a judge.

(12) The report of the guardian *ad litem* may be in Form 60A.06B.

- 12. The words “An agent” in Rule 60A.07(1) is replaced with the words “A representative” and the word “agent” in Rules 60A.07(3)(a) and 60A.07(5)(a) is replaced with the word “representative”.
- 13. The word “and” is inserted in Rule 60A.07(2) before the word “be”.
- 14. The words “[name of representative], for agency [Minister of Community Services or Mi’kmaw Family and Children’s Services],” are inserted after the words “In the matter of” in Rule 60A.07(2)(a).
- 15. The words “that the” are added after the words “*Children and Family Services Act*” in Rule 60A.07(4).
- 16. The word “starting” is deleted from Rule 60A.07(6).
- 17. The word “that” is inserted in Rule 60A.10(2) before the word “the”.
- 18. The word “it” in Rule 60A.10(3) is replaced with “a formal expert’s report”.
- 19. The words “Rule 55.02 of” in Rule 60A.10(3) are deleted.
- 20. Rule 60A.10(6) is renumbered to Rule 60A.10(8) and the following Rules 60A.10(6) and (7) are added:

(6) At the start of the interim hearing the judge must also do all of the following:

- (a) enquire whether the child is, or is entitled to be, an Aboriginal child and, if so enquire whether the child is, or is entitled to be, a Mi’kmaq child and whether the child’s band is known;
- (b) determine whether or not notice to the band is necessary and, if so, give directions about notice to the band which may be in Form 60A.10;

- (c) determine whether a child is under one year of age and whether the mother or father of the child is not a party to the proceeding, and, if so, do each of the following:
 - (i) enquire whether notice has been delivered to the non-party mother or father;
 - (ii) enquire of the parties to the proceeding the whereabouts and identity of a non-party mother or father to whom notice has not been given;
 - (iii) give directions regarding notice to the non-party mother or father which may be in Form 60A.10A.
- (7) A band may provide notice to the court of an intention to have a designate present, to be represented by counsel or to make submissions to the court. Such notice of band's intention may be in Form 60A.10B.
- 21. The word "to" is added after the word "proceeding" in Rule 60A.11(3).
- 22. The title of Rule 60A.12 is changed to "**Order for mediation**".
- 23. The words "a stay during" in Rules 60A.12(2) and 60A.12(3) are deleted, and the words "stay during" in Rule 60A.12(4) are deleted.
- 24. The words "Stay During" in Rule 60A.12(2) are deleted.
- 25. Rule 60A.12(2)(c) is replaced with the following:
 - (c) a provision for the extension of time under subsections 41(1), or 45(1) and 45(2) of the *Children and Family Services Act* by a specified period not exceeding three months;
- 26. Rule 60A.13(3) is deleted and Rule 60A.13(4) is renumbered to Rule 60A.13(3).
- 27. The following Rules 60A.13(4), (5) and (6) are added:
 - (4) If directed by a judge, a party, upon determining a hearing will be contested, must file a notice of contest within five days or at such other time as directed by the judge. A prehearing conference will be scheduled following the filing of a notice of contest. The notice of contest may be in Form 60A.13.

- (5) Where a notice of contest has been filed, a party that intends to rely on expert opinion or a physician's report in a hearing must file a copy of the expert opinion or physician's report no less than ten days before the prehearing conference unless a judge directs otherwise.
- (6) Where a notice of contest has been filed, the parties must file a memorandum with the court at least ten days before the prehearing conference, unless the judge directs otherwise. The memorandum must include:
 - (a) the identity of expert witnesses and the qualification sought for each expert witness;
 - (b) a list of any business records on which the party intends to rely at the hearing;
 - (c) a list of witnesses intending to present evidence at the hearing.

28. The following Rule 60A.13A is added following Rule 60A.13:

60A.13A Court ordered conferencing

- (1) The court may refer the parties to conferencing pursuant to section 40(1)(b) of the *Children and Family Services Act*, and the order may be in Form 60A.13A.
- (2) The court may refer the parties to conferencing pursuant to section 41(1)(b) of the *Children and Family Services Act*, and the order may be in Form 60A.13B.
- (3) An order under section 40(1)(b) or 41(1)(b) of the *Children and Family Services Act* does not affect obligations for production of documents, unless a judge orders otherwise.
- (4) If the conference is not held within the time frame prescribed by section 40E of the *Children and Family Services Act*, the agency must make a motion to have the court consider terminating conferencing. The motion may be in Form 60A.13C.
- (5) A party who applies to terminate conferencing pursuant to section 40F of the *Children and Family Services Act* must request a court officer, or a judge, to appoint a time and date for a prehearing conference.
- (6) On motion pursuant to section 40E or 40F of the *Children and Family Services Act*, the court may terminate conferencing. The order to terminate conferencing may be in Form 60A.13D.

- (7) Within five days of terminating conferencing, the agency must file a notice terminating conferencing and notice of hearing in Form 60A.13E.
 - (8) Within five days of terminating conferencing, the agency must file a statement of time spent in conferencing in Form 60A.13F.
 - (9) The agency may apply to conclude conferencing and discontinue the proceeding pursuant to section 40G(2) of the *Children and Family Services Act*. When making a motion, the agency must file an agreed statement of facts which includes the following:
 - (a) a brief statement of the history of the proceeding;
 - (b) a summary of the assessment, treatments and services provided;
 - (c) an explanation of why a discontinuation would be in the child's best interests;
 - (d) the details of any agreement reached regarding custody of and access to the child.
 - (10) The agreed statement of facts may be in Form 60A.13G.
 - (11) An application under section 40H of the *Children and Family Services Act* may be made by correspondence to a judge pursuant to Rule 27 - Motion by Correspondence.
29. Rule 60A.14 is renumbered to 60A.14(1) and the following Rule 60A.14(2) is added:
- (2) An order to produce under this Rule is subject to the right of the third party to object to producing all or any part of such documents. The third party who objects may apply for dissolution or modification of the order to produce on two days notice to the parties.
30. Rule 60A.18(c) and (d) are renumbered to Rule 60A.18(d) and (e), and the following Rule 60A.18(c) is added:
- (c) a customary care and supervision order;
31. The word "The" is added before the words "order of dismissal" in Rule 60A.19(2).
32. The word "is" in Rule 60A.20(1)(c) is replaced with the word "was".

33. The period following Rule 60A.20(1)(g) is replaced with a semi-colon and the following Rule 60A.20(1)(h) is added:

(h) a statement of the maximum time for the proceeding.

34. The following Rule 60A.20A is added following Rule 60A.20:

60A.20A Customary care order

(1) A customary care order must contain the standard heading, be entitled “Customary Care Order”, and include all of the following:

- (a) a record of the judge’s finding that the child, identified by name and date of birth, was in need of protective services with reference to the applicable section in subsection 22(2) of the *Children and Family Services Act*;
- (b) a record that affidavits were filed and evidence was heard;
- (c) a record that the child’s date of birth was proven by birth certificate, or other proof of birth, or that the judge found it was not practicable to do so;
- (d) a statement of the maximum time period for the proceeding;
- (e) a declaration of whether the child is, or is entitled to be, an Aboriginal child and, if so, a declaration of whether the child is, or is entitled to be a Mi’kmaq child and the child’s band if it is known;
- (f) a provision that the child is to remain in the customary care and custody of a person, with the consent of that person, and under the supervision of the agency;
- (g) the terms and conditions of supervision, if any;
- (h) a provision granting the agency the right to enter the residence of the child;
- (i) a statement of the time and date when the customary care order will be reviewed by a judge.

(2) The customary care order may be in Form 60A.20A.

35. The word “is” in Rule 60A.21(1)(c) is replaced with the word “was”.
36. Rule 60A.21(1)(f), (g), (h), and (i) are renumbered to Rule 60A.21(1)(g), (h), (i), and (j), and the following Rule 60A.21(1)(f) is added:
 - (f) a statement of the maximum time period for the proceeding;
37. Rule 60A.24(2), (3), (4), and (5) are renumbered to Rule 60A.24(3), (4), (5), and (6), and the following Rule 60A.24(2) is added:
 - (2) An agency must file an affidavit in relation to the motion no less than ten days before the review.
38. The words “An agency that” in Rule 60A.24(3) are replaced with “Where the agency”.
39. The phrase “, the agency” is added to Rule 60A.24(3) following the words “access, or services”.
40. Rule 60A.24(4), (5) and (6) are renumbered to Rule 60A.24(5), (6) and (7), and the following Rule 60A.24(4) is added:
 - (4) An agency must file an updated agency plan no less than ten days before any scheduled review hearing that is within four months of the deadline for the proceeding, as determined by section 45 of the *Children and Family Services Act*.
41. The phrase “or (d)” is added to Rules 60A.25(2)(b) and 60A.25(3) following the phrase “48(6)(c)”.
42. The word “clause” in Rules 60A.25(2)(b), 60A.25(3), 60A.25(4), 60A.25(5), and 60A.25(6)(b) is replaced with “section”.
43. The words “granting permission” are added to Rule 60A.25(3) following the words “obtain an order”.
44. The words “A party” in Rule 60A.26(1) are replaced with “An agency”.
45. The letter “s” is removed from the word subsections in Rule 60A.26(1).
46. The words “48(3) or (5)” in Rules 60A.26(1) and 60A.26(3) are replaced with “48(5)”.
47. The words “an order of” in Rule 60A.27(1) is replaced with “an order for”.

48. The words “the order of” in Rule 60A.27(2) and 60A.27(3) are replaced with “an order for”.
49. The letter “s” is added to the words “ground” and “ha” in Rule 60A.28(2)(b).
50. Rule 60A.28(3) is renumbered to Rule 60A.28(4) and the following Rule 60A.28(3) is added:
 - (3) A judge may direct that an affidavit filed in support of an application by a parent or guardian to locate and detain a child, the order, and any other relevant information, be provided to an agency.
51. The word “may” in Rules 60A.29(5), 60A.30(1), 60A.31(1), and 60A.32(1) is replaced with the word “must”.
52. The words “instead of the current provision” in Rule 60A.31(2)(a) are deleted.
53. The word “the” is inserted before the word “register” in Rule 60A.32(1).
54. Rule 60A.32(4) is renumbered Rule 60A.32(5) and the following Rule 60A.32(4) is added:
 - (4) A person who applies for removal of the person’s name from the Child Abuse Register must request a court officer, or a judge, to set a date for the hearing of the application and deliver a copy of the notice to the Minister or agency at least ten days before the day of the hearing.
55. In Rule 60A.33(a), a comma is inserted after the words “Rule 60A.11(3)”.
56. The words “if the court directs” in Rule 60A.33(c) are replaced with “, unless the court directs otherwise”.
57. The following Forms are replaced with the attached Forms: 60A.03, 60A.07, 60A.12, 60A.16, 60A.17, 60A.19, 60A.20, 60A.21, 60A.22, 60A.28, and 60A.32.
58. The following new Forms are added: 60A.06, 60A.06A, 60A.06B, 60A.07A, 60A.10, 60A.10A, 60A.10B, 60A.13, 60A.13A, 60A.13B, 60A.13C, 60A.13D, 60A.13E, 60A.13F, 60A.13G, and 60A.20A.
59. The following Forms are replaced with the attached Forms in the *Family Division Practice Memorandum*: FD1, FD2A, FD2B, FD3, FD5, FD6, FD13, FDO1, FDO4, FDO5, and FDO6.

60. The following Forms are added to the *Family Division Practice Memorandum*: FD4, FD7, FD8, FD9, FD10, FD11, FD12, FD12A, FD12B, and FD14.

Certificate

I, Deborah K. Smith, Chief Justice of the Supreme Court of Nova Scotia, certify that on June 11, 2024 a majority of the judges of the court made the foregoing amendments to the *Nova Scotia Civil Procedure Rules* and *Family Division Practice Memorandum*.

Signed June 11, 2024

**Original Signed by
Deborah K. Smith, C.J.**

Deborah K. Smith
Chief Justice of the Supreme Court
of Nova Scotia

Supreme Court of Nova Scotia
(Family Division)

Between: [complete heading as required by Rule 82 - Administration of Civil Proceedings]

[name]

Applicant

and

[name]

Respondent[s]

Notice of Child Protection Application

TAKE NOTICE: Sharing identifying information, including copies of documents, from this proceeding verbally, in writing or through the internet, including Facebook, Snapchat, Instagram or any other social media, is an offence pursuant to section 94(1) of the *Children and Family Services Act*, punishable by a fine of up to \$10,000 and imprisonment for 2 years.

To: [name each respondent]

The applicant requests a child protection order that a child is in need of protective services
The applicant is applying to the Supreme Court (Family Division) for an order determining that the child [name, birth date and sex] is in need of protective services under the *Children and Family Services Act*.

The applicant started this application by filing this notice on the date certified by the prothonotary.

Grounds for the order

The applicant is applying for the order on the following grounds:

1 [refer to section(s) in subsection 22(2) of the *Act*] ;

2 ;

3 .

Evidence to be presented

For the purpose of the hearing of the application, the applicant expects to file affidavits from the following witnesses, dealing with the following subjects:

<i>Name of Witness</i>	<i>Subject</i>

Notice of interim hearing

At [a.m./p.m.] on [date] , 20 , an interim hearing will take place before a judge in Chambers at the Courthouse, [insert address] , Nova Scotia to hear a motion for an order [describe kind of interim order requested] . The interim hearing must be held no less than two days after the day the respondent is notified of the proceeding. The judge may grant the interim order in your absence if you or your counsel do not attend.

Affidavit on motion for order at interim hearing

The applicant files the affidavit of [name] , sworn on [date] , as evidence on the motion for an order at the interim hearing. A copy of the affidavit is delivered to you with this notice.

You may participate

You may participate in every hearing. You are entitled to notice of further steps in the proceeding, unless a judge orders otherwise.

Possible interim or final order against you

The judge may grant an interim or final order without further notice to you if you or your counsel do not appear at the time, date, and place for any hearing.

Counsel

You may retain and instruct counsel to represent you at the hearing. If you are unable to afford a lawyer, a lawyer may be available through the local Legal Aid office. If you wish to be represented by a lawyer, you should contact a lawyer as soon as possible.

Previous proceedings

The child, [name] , who was the subject of a previous proceeding pursuant to the *Children and Family Services Act*, may have been the subject of one or more orders pursuant to section 42(1)(d) of the *Children and Family Services Act*, and, if so, the applicant will advise you of the time period(s) the child was so subject within 25 days of making the Application herein.

[or]

The child, [name] , who was the subject of a previous proceeding pursuant to the *Children and Family Services Act*, was the subject of one or more orders pursuant to section 42(1)(d) of the *Children and Family Services Act* and spent a total of [insert number of months] months in the temporary care and custody of an agency.

The child, [name] , is or is entitled to be an Aboriginal child.

The child, [name] , is or is entitled to be a Mi'kmaq child.

The band of the child is [name of band] .

Filing and delivering documents

Any documents you file with the court must be filed at the office of the Supreme Court (Family Division), [insert address] , Nova Scotia, (telephone number).

The *Nova Scotia Civil Procedure Rules* require that whenever you file a document you must immediately deliver a copy of it to each other party entitled to notice, unless the document is part of an *ex parte* motion, the parties agree delivery is not required, or a judge orders it is not required.

Documents you deliver to the applicant may be delivered to the applicant's designated address shown in the contact information for the applicant on this notice, and documents delivered there are considered received by the applicant on delivery.

Contact information

The applicant designates the following address: [insert address]

Further contact information is available from the prothonotary.

Signature

Signed [date] , 20

Signature of applicant

Print name:

[or]

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

Prothonotary's certificate

I certify that this notice of child protection application was filed with the court on [insert date] .

Prothonotary

Supreme Court of Nova Scotia
(Family Division)

Between: [copy standard heading unless varied to provide for guardian *ad litem*]

[name]

Applicant

and

[name]

Respondent[s]

Statement of the Guardian *Ad Litem*

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

1 I have personal knowledge of the evidence [*sworn to/affirmed*] in this affidavit.

2 I state, in this affidavit, the source of any information that is not based on my own personal knowledge, and I state my belief of the source.

3 I consent to be the guardian *ad litem* of the child, [name], born on [date of birth].

4 I have no prior relationship that could interfere with or prevent me from acting as guardian *ad litem* for the child.

5 I have appointed [counsel's name] to act for us.

6 I have no interest in the proceeding adverse to that of the child.

7 I acknowledge I may be liable for court costs if I abuse the court's processes.

For a Mi'kmaq child

8 The child, [name], is a Mi'kmaq child.

9 I have [*Mi'kmaw/Aboriginal heritage*] [*and/or*] community connections as follows: [provide details].

10 My competence and understanding of the importance of a Mi'kmaq child's connection with the child's First Nation, heritage, spirituality and traditions are as a result of [provide details] .

[or]

For an Aboriginal child

8 The child, [name] is an Aboriginal child:

9 I have Aboriginal heritage [and/or] community connections as follows: [provide details] .

10 My competence and understanding of the importance of an Aboriginal child's connection with the child's culture, heritage, spirituality and traditions are as a result of [provide details] .

[or]

For a child who identifies with a diverse group and/or a recognized community or cultural group

8 My connections with the child's diverse, community or cultural group are [provide details] .

9 My competence and understanding of the child's diverse group, community or cultural group, including culture, heritage, spirituality, and traditions, and the importance of those to the child are as a result of [provide details] .

Sworn to/Affirmed before me)
on [date] , 20)
at [Town/City] , Nova Scotia)
)
)
)

Signature of authority
Official capacity:

Signature of witness
Print name:

Supreme Court of Nova Scotia
(Family Division)

Between: [copy standard heading]

Minister of Community Services / Mi'kmaw Family and Children's Services

Applicant

and

[name]

Respondent

Order Appointing a Guardian *Ad Litem*

(Hearing: , 20)

Before the Honourable Justice

in Chambers

Findings

The persons entitled to notice of this proceeding have been notified;

After reading the motion for appointment of a guardian *ad litem*, and all the documents on file, including the Statement of the Guardian *Ad Litem* of [name] [sworn/affirmed] on [date] , a decision was made on [date] , 20 .

Order

It is ordered:

1 Pursuant to section 37(3) of the *Children and Family Services Act* and *Civil Procedure Rule* 60A.06, the child, [name] shall be and is hereby a party to the proceeding herein.

2 Pursuant to section 37(2A) of the *Children and Family Services Act*, [name] shall be and is hereby appointed guardian *ad litem* for the child, [name] , [date of birth] . [child under sixteen]

[or]

2 Pursuant to section 37(3) of the *Children and Family Services Act*, [name] shall be and is hereby appointed guardian *ad litem* for the child, [name] , [date of birth] . [child sixteen or older]

- 3 Pursuant to section 37(4) of the *Children and Family Services Act*, the reasonable fees and disbursements of the guardian *ad litem*, and, of counsel for the guardian *ad litem*, shall be as specified in Regulation 46 of the *Children and Family Services Regulations* made under section 99 of the *Children and Family Services Act*.

Prothonotary

Supreme Court of Nova Scotia
(Family Division)

Between: [copy standard heading]

[name]

Applicant

and

[name]

Respondent

Report of the Guardian *Ad Litem*

(Dated: , 20)

This report is to update this Honourable Court regarding my involvement as guardian *ad litem* for the child [name] , born [date] , 20 . I previously filed reports dated [insert dates of reports] .

The child

[Provide an overview of the current circumstances of the child.]

Materials reviewed and persons spoken with

I reviewed the following materials:

I discussed the child with the following persons:

I spoke with the child on the following dates:

Information shared with the child

When I spoke with the child, I advised the child that:

I choose not to advise the child that:

The child asked to be informed regarding:

Whether the guardian *ad litem* continues to act

As the child turned sixteen years of age since my last report, I met with the child and advised the child of the opportunity to retain a lawyer directly. The child stated:

Child's views and preferences

The child stated the following:

Services for child

The services currently in place for the child are:

The services I would recommend for the child are:

Comments and recommendations

I observe that:

I recommend that:

Certification:

I certify that I have reviewed *Family Division Practice Memorandum* regarding the role of the guardian *ad litem* of a child under the *Children and Family Services Act*.

Signature

[name]

guardian *ad litem* of [name of child]

Form 60A.07

20

No.

Supreme Court of Nova Scotia
(Family Division)

[If taking a child into care before starting a child protection application.]

In the matter of [name of representative] , for agency [*Minister of Community Services or Mi'kmaw Family and Children's Services*] giving notice of taking a child into care under subsection 33(2) of the *Children and Family Services Act* before starting a child protection application

Between: [insert standard heading]

[name]

Applicant

and

[name]

Respondent[s]

Notice of Taking Into Care

Taking into care

I, [name] , as representative under the *Children and Family Services Act* for the applicant named above, have on this day taken into care the child, [name] , born on [date] , under the *Children and Family Services Act*. I believe on reasonable and probable grounds that the child is in need of protective services, and that the child's health and safety cannot be protected adequately otherwise than by being taken into care.

Child protection application will be made

The agency will, as soon as possible, start a child protection application in the Supreme Court (Family Division) to determine whether the child is in need of protective services under the *Act*. The agency relies on the following grounds:

1 [refer to section(s) in subsection 22(2) in the *Act*] ;

2 ;

3 [or such other grounds as may be included in the child protection application] .

Motion will be made for order at interim hearing

The *Children and Family Services Act* provides that, as soon as practicable, but in any event no later than five days after the day the notice of application is filed to determine whether a child is in need of protective services or the child is taken into care, whichever is earlier, the agency must make a motion for an order at an interim hearing to determine if there are reasonable and probable grounds to believe that the child is in need of protective services.

The agency undertakes to make the motion within the time stated above and to schedule the interim hearing.

Counsel

You may retain and instruct counsel to represent you at the hearing. If you are unable to afford a lawyer, a lawyer may be available through the local Legal Aid office. If you wish to be represented by a lawyer, you should contact a lawyer as soon as possible.

Signature

Signed [date] , 20

Signature of representative
Print name:

Form 60A.07A

20

No.

Supreme Court of Nova Scotia
(Family Division)

[If taking a child into care after starting a child protection application.]

Between: [copy standard heading]

[name]

Applicant

and

[name]

Respondent[s]

Notice of Taking Into Care

Taking into care

I, [name] as representative under the *Children and Family Services Act* for the applicant named above, have on this day taken into care the child, [name], born on [date], under the *Children and Family Services Act*.

I believe on reasonable and probable grounds, that the child is in need of protective services, and that the child's health and safety cannot be protected adequately otherwise than by being taken into care.

[or]

The person, [name], in whose care and custody the child was placed subject to the supervision of the agency has not complied with the order that placed the child in the care of that person.

Hearing

The *Children and Family Services Act* provides that, as soon as practicable, but in any event no later than five working days after the child is taken into care a hearing, must be held to determine whether the order should be reviewed and varied.

Counsel

You may retain and instruct counsel to represent you at the hearing. If you are unable to afford a lawyer, a lawyer may be available through the local Legal Aid office. If you wish to be represented by a lawyer, you should contact a lawyer as soon as possible.

Signature

Signed [date] , 20

Signature of representative
Print name:

Form 60A.10

20

No.

Supreme Court of Nova Scotia
(Family Division)

Between: [copy standard heading]

[name]

Applicant

and

[name]

Respondent

Notice to Band

TAKE NOTICE: Sharing identifying information, including copies of documents, from this proceeding verbally, in writing or through the internet, including Facebook, Snapchat, Instagram or any other social media, is an offence pursuant to section 94(1) of the *Children and Family Services Act*, punishable by a fine of up to \$10,000 and imprisonment for 2 years.

To: [name of band council member]

The applicant requests a child protection order that a child is in need of protective services
The applicant is applying to the Supreme Court (Family Division) for an order determining that the child [name, birth date and sex] is in need of protective services under the *Children and Family Services Act*.

The applicant started this application by filing a Notice of Application on the date certified by the prothonotary.

Grounds for the order

The applicant is applying for the order on the following grounds:

1 [refer to section(s) in subsection 22(2) of the *Act*] ;

2 ;

3 .

Notice of interim hearing

At [a.m./p.m.] on [date] , 20 , an interim hearing will take place before a judge in Chambers at the Courthouse, [insert address] , Nova Scotia to hear a motion for an order [custodial term of interim order requested only] . The judge may grant the interim order in your absence if you or your counsel do not attend.

[or]

Notice of disposition or review hearing

At [a.m./p.m.] on [date] , 20 , a disposition/review hearing will take place before a judge in Chambers at the Courthouse, [insert address] , Nova Scotia to hear a motion for an order [custodial term of order requested only] . The judge may grant the disposition/review order in your absence if you or your counsel do not attend.

You may participate

Pursuant to section 36(4A) of the *Children and Family Services Act*, the band may participate in every hearing. Section 36(4A) of the *Children and Family Services Act* provides:

36(4A) Where the child who is the subject of a proceeding is or is entitled to be a Mi'kmaq child,

- (a) at an interim hearing;
- (b) at a disposition hearing;
- (c) on a hearing to review a disposition order pursuant to section 46; or
- (d) on an application to terminate, or vary access under, an order for permanent care and custody pursuant to section 48, the child's band, if known,
- (e) is entitled to the same notice of the proceeding as a party, which notice may be served upon any member of the band council;
- (f) may have a designate present at the hearing;
- (g) may be represented by counsel; and
- (h) may make submissions to the court, but shall take no further part in the hearing without leave of the court.

You are entitled to notice of further steps in the proceeding, unless a judge orders otherwise.

Agency contact person

The social worker for the Mi'kmaw Family and Children's Services/the Minister of Community Services is [name] of the [office, with address] who may be contacted at [telephone number(s)] .

Notice of band's intentions

You must advise the court and the parties of the band's interest in the proceeding by way of the notice of band's intentions, a copy of which is attached to this notice. This document should be filed with the court and provided to all parties to the proceeding.

Possible interim or final order against you

The judge may grant an interim or final order without further notice to you if you or your counsel do not appear at the time, date, and place for any hearing.

Counsel

You may retain and instruct counsel to represent you at the hearing.

Filing and delivering documents

Any documents you file with the court must be filed at the office of the Supreme Court of Nova Scotia (Family Division), [insert address] [telephone number(s)] .

The *Nova Scotia Civil Procedure Rules* require that whenever you file a document you must immediately deliver a copy of it to the applicant and each other party entitled to notice, unless the document is part of an *ex parte* motion, the parties agree delivery is not required, or a judge orders it is not required.

Documents you deliver to the applicant may be delivered to the applicant’s designated address shown in the contact information for applicant on this notice, and documents delivered there are considered received by the applicant on delivery.

Contact information

The applicant designates the following address:

Further contact information is available from the prothonotary.

Signature

Signed [date] , 20

Signature of applicant

Print name:

[or]

Signature of counsel

[name] as counsel for [name]

Supreme Court of Nova Scotia
(Family Division)

Between: [copy standard heading]

[name]

Applicant

and

[name]

Respondent

Notice to Mother, Father or Parent

TAKE NOTICE: Sharing identifying information, including copies of documents, from this proceeding verbally, in writing or through the internet, including Facebook, Snapchat, Instagram or any other social media, is an offence pursuant to section 94(1) of the *Children and Family Services Act*, punishable by a fine of up to \$10,000 and imprisonment for 2 years.

To: [name of mother, father, or parent]

The applicant requests an order that a child is in need of protective services

The applicant is applying to the Supreme Court (Family Division) for an order determining that the child [name, birth date and sex] is in need of protective services under the *Children and Family Services Act*.

The applicant started this application by filing this notice on the date certified by the prothonotary.

Grounds for the order

The applicant is applying for the order on the following grounds:

1 [refer to section(s) in subsection 22(2) of the *Act*] ;

2 ;

3 .

Notice of [interim] hearing

At [a.m./p.m.] on [date] , 20 , an interim hearing will take place before a judge in Chambers at the Courthouse, [insert address] , Nova Scotia to hear a motion for an order [custodial term of interim order requested only] . The judge may grant the [interim] order in your absence if you or your counsel do not attend.

Reason for notice

You have been identified as the [mother of/father of/possible father of/parent of] the child, [name] , and, pursuant to section 36A(1) of the *Children and Family Services Act*, you are being provided with notice. Section 36A(1) of the *Children and Family Services Act* provides:

36A(1) Where the child who is the subject of the proceeding is under one year of age when the proceeding is commenced, and the mother or father of the child is not the child's parent or guardian, notice of the proceeding shall be served upon the mother or father, as the case may be, not later than forty-five days after the proceeding is commenced.

Possible interim or final order against you

The judge may grant an interim or final order without further notice to you if you or your counsel do not appear at the time, date, and place for any hearing.

Counsel

You may retain and instruct counsel to represent you at the hearing. If you are unable to afford a lawyer, a lawyer may be available through the local Legal Aid office. If you wish to be represented by a lawyer, you should contact a lawyer as soon as possible.

Filing and delivering documents

Any documents you file with the court must be filed at the office of the Supreme Court of Nova Scotia (Family Division), [insert address] , Nova Scotia [telephone number(s)] .

The *Nova Scotia Civil Procedure Rules* require that whenever you file a document you must immediately deliver a copy of it to the applicant and each other party entitled to notice, unless the document is part of an *ex parte* motion, the parties agree delivery is not required, or a judge orders it is not required.

Documents you deliver to the applicant may be delivered to the applicant's designated address shown in the contact information for applicant on this notice, and documents delivered there are considered received by the applicant on delivery.

Contact information

The applicant designates the following address:

Further contact information is available from the prothonotary.

Signature

Signed [date] , 20

Signature of applicant

Print name:

[or]

Signature of counsel

[name] as counsel for [name]

Form 60A.10B

20

No.

Supreme Court of Nova Scotia
(Family Division)

Between: [copy standard heading]

[name]

Applicant

and

[name]

Respondent

Notice of Band's Intention

I, [name] , Chief/band Council Member, of [band's name] acknowledge receipt of the notice to band of application and notice of hearing dated [date] .

Please select all which apply:

- We intend to have a designate appear before the court at the next hearing.
- We would like to receive further notice of hearings in the matter.
- We require no further notice of hearings in this matter unless the child, [name] , is taken into care.
- We require no further notice of hearings in this matter unless the agency makes application for an order for permanent care and custody of the child, [name] .
- We request that the assigned social worker contact [name and contact information] to discuss services and supports within our band.
- We request that [insert name of party] contact [name and contact information] to discuss services and supports within our band.

- We request that placement of the child(ren) in customary care with [name] , a band member, be explored and [name and contact information] may be contacted in this regard.

Any further notice may be given by mail by facsimile to:

Name: _____

Address: _____

Facsimile or email: _____

Signed on behalf of the band, [band's name] , this day of [date] , 20 .

Chief/Council Member

Form 60A.12

20

No.

Supreme Court of Nova Scotia
(Family Division)

Between: [copy standard heading]

[name]

Applicant

and

[name]

Respondent[s]

Order for Mediation

Before the Honourable Justice

The persons entitled to notice of this proceeding have been notified;

The parties have appointed a mediator and have made a motion for an order for a stay pending mediation;

The parties have agreed to mediate all of the following issues: [briefly list issues in point form]

1 ;

2 ;

3 .

It is ordered:

1 The time limit under section 41(1), 45(1) or 45(2) of the *Children and Family Services Act* shall be extended by [insert time period for extension which is not to exceed three months] .

2 The mediator must file a report with the court and deliver a copy to each party.

[or]

2 The parties have agreed to a closed mediation and the mediator must not report to the court.

3 The report must be limited to only a statement of the number of interviews conducted, who attended, and the terms of an agreement or that an agreement was not reached.

[or]

3 The report must not be limited and not include recommendations, but may include any information the mediator considers relevant to the issues.

Issued [date] , 20

Prothonotary

Form 60A.13

20

No.

Supreme Court of Nova Scotia
(Family Division)

Between: [copy standard heading]

[name]

Applicant

and

[name]

Respondent

**Notice of Contest
(Child Protection)**

To: [name each party]

The application of the [Minister of Community Services or Mi'kmaw Family and Children's Services] is contested.

The respondent [insert name] contests your application.

Grounds of contest

The respondent says that your application should be [*dismissed/allowed only to the extent of*] because: [briefly list respondent's grounds in point form; include material facts and references to legislation and points of law; do not state evidence or provide argument]

1 ;

2 ;

3 .

Witnesses for respondent

The respondent expects to produce affidavits from the following witnesses, dealing with the following subjects, as evidence when the application is heard:

<i>Name of Witness</i>	<i>Subject</i>

Signature
Signed [dated] , 20

Signature of respondent
Print name:

[or]

Signature of counsel
[name] as counsel for the
respondent [name]

Form 60A.13A

20

No.

Supreme Court of Nova Scotia
(Family Division)

Between: [copy standard heading]

[name]

Applicant

and

[name]

Respondent

Order for Conferencing Prior to the Protection Hearing

Before the Honourable Justice

in Chambers

Findings

The persons entitled to notice of this proceeding have been notified;

After reading the Notice of Child Protection Application and all the documents on file, and hearing testimony on [date] , 20 , a decision was made on [date] , 20 ;

The child, [name] , is placed in the care and custody of the respondent, [name] , subject to the supervision of the agency pursuant to section 39(4)(b) of the *Children and Family Services Act* by order granted [date] , 20 .

It is in the best interests of the child, [name] , that the parties be referred for conferencing.

Order

It is ordered:

- 1 The parties shall be referred to conferencing pursuant to section 40(1)(b) of the *Children and Family Services Act*.

Issued [date] , 20

Prothonotary

Form 60A.13B

20

No.

Supreme Court of Nova Scotia
(Family Division)

Between: [copy standard heading]

[name]

Applicant

and

[name]

Respondent

Order for Conferencing Prior to the Disposition Hearing

Before the Honourable Justice

in Chambers

Findings

The persons entitled to notice of this proceeding have been notified;

The child, [name] , born [date] , was in need of protective services under the *Children and Family Services Act*, section 22(2) [refer to section(s) relied on] , on [date] , 20 ;

After reading the notice of motion for a disposition order and all the documents on file, including the child's birth certificate, or other proof of birth and the agency plan for the child's care, and hearing testimony on [date] , 20 , a decision was made on [date] , 20 ;

The child, [name] , is placed in the care and custody of the respondent, [name] , subject to the supervision of the agency pursuant to section 39(4)(b) of the *Children and Family Services Act* by order granted [date] , 20 .

It is in the best interests of the child, [name] , that the parties be referred for conferencing.

Order

It is ordered:

1 The parties shall be referred to conferencing pursuant to section 41(1)(b) of the *Children and Family Services Act*.

Issued [date] , 20

Prothonotary

Form 60A.13C

20

No.

Supreme Court of Nova Scotia
(Family Division)

Between: [copy standard heading]

[name]

Applicant

and

[name]

Respondent

Notice of Application Regarding Missed Conference and Notice of Hearing

To: [name each respondent entitled to notice]

Motion for review of conferencing order

[*Minister of Community Services or Mi'kmaw Family and Children's Services*] , the applicant in this proceeding, moves for a review of the order for conferencing made by the court on the [date] , 20 , as a conference was not held within thirty days as required by [section 40B(1) of the Children and Family Services Act/sixty days as required by section 40C(1) of the Children and Family Services Act] .

Time and place hearing motion

The motion is to be heard by a judge at a [*prehearing conference/disposition hearing*] to be held on [date] , 20 at [*a.m./p.m.*] in the Courthouse, [insert address] , Nova Scotia.

Evidence

The evidence in support of the motion is as follows:

- 1 affidavit of [name] sworn on [date] , 20 and filed with this notice.
- 2 affidavit of [name] sworn on [date] , 20 already filed in this proceeding.
- 3 affidavit of [name] to be sworn and filed before the deadline, and attached is a will say statement.

A copy of each affidavit referred to in paragraphs 1 and 2 above is to be delivered to you with the notice.

Possible order against you

You may attend the hearing of the motion, and state your position on whether the proposed order should be made. If you do not attend, the judge may grant an order without further notice to you.

Counsel

You may retain and instruct counsel to represent you at the hearing. If you are unable to afford a lawyer, a lawyer may be available through the local Legal Aid office. If you wish to be represented by a lawyer, you should contact a lawyer as soon as possible.

Signature

Signed [date] , 20

Signature
Print name:

Supreme Court of Nova Scotia
(Family Division)

Between: [copy standard heading]

[name]

Applicant

and

[name]

Respondent

Order Terminating Conferencing

Before the Honourable Justice

in Chambers

Findings

The persons entitled to notice of this proceeding have been notified;

After reading the notice of motion for review regarding missed conference and all the documents on file, and hearing testimony on [date] , 20 , a decision was made on [date] , 20 ;

The conference required by [section 40B(1)/40C(1)] of the *Children and Family Services Act* not being held within the required time period;

It is in the best interests of the child, [name] , that the referral of the parties for conferencing be terminated.

Order

It is ordered:

- 1 Pursuant to section 40E(2)(b), the conferencing ordered pursuant to section [40(1)(b)/41(1)(b)] of the *Children and Family Services Act* shall be terminated.
- 2 The matter is scheduled for a prehearing conference pursuant to section 40F(2) of the *Children and Family Services Act* on [insert date - must be within five working days of the termination of conferencing] .

- 3 The protection hearing pursuant to [*section 40/[or] the disposition hearing pursuant to section 41*] of the *Children and Family Services Act* shall be held on [insert date - such date not to exceed sixty (60) days from the termination of conferencing] .

Issued [date] , 20

Prothonotary

Form 60A.13E

20

No.

Supreme Court of Nova Scotia
(Family Division)

Between: [copy standard heading]

[name]

Applicant

and

[name]

Respondent

Notice Terminating Conferencing and Notice of Hearing

To: [name each party entitled to notice]

Notice terminating conferencing

Conferencing is hereby terminated pursuant to section 40F(1) of the *Children and Family Services Act*.

Time and place of hearing

The prehearing conference is to be heard by a judge on [date] , 20 , at [a.m./p.m] in the Courthouse, [insert address] , Nova Scotia.

Possible order against you

You may attend the hearing, and state your position. If you do not attend, the judge may grant an order without further notice to you.

Counsel

You may retain and instruct counsel to represent you at the hearing. If you are unable to afford a lawyer, a lawyer may be available through the local Legal Aid office. If you wish to be represented by a lawyer, you should contact a lawyer as soon as possible.

Signature

Signed [date] , 20

Signature
Print name:

Form 60A.13F

20

No.

Supreme Court of Nova Scotia
(Family Division)

Between: [copy standard heading]

[name]

Applicant

and

[name]

Respondent

Notice of Time Spent in Conferencing

To: [name each party entitled to notice]

Notice of time spent in conferencing

The court having referred the parties to conferencing pursuant to section [40(1)(b)(ii)/41(1)(b)(ii)] of the *Children and Family Services Act* on [date] ;

The [Applicant/Respondent] [name] , having given notice of termination of conferencing pursuant to section 40F(1) of the *Children and Family Services Act* on [date] .

The parties having spent [insert number of days] days in conferencing, the maximum cumulative duration of all disposition orders made pursuant to section 42 will be reduced by [insert number of days] pursuant to section 45(3) of the *Children and Family Services Act*.

Signature

Signed [date] , 20

Signature

Print name:

Form 60A.13G

20

No.

Supreme Court of Nova Scotia
(Family Division)

Between: [copy standard heading]

[name]

Applicant

and

[name]

Respondent

Agreed Statement of Facts Respecting Conferencing

The following facts are agreed by the parties endorsing this agreement:

History of proceeding

1 [Provide brief description of history of proceeding.]

Assessment, treatment and services provided

2 [Provide brief description of assessment, treatment and services.]

Why discontinuance is in the child's best interests

3 [Provide reasons for discontinuance.]

Arrangements regarding custody and access

4 [Provide description of custody and access arrangements.]

All of which is agreed, this [date] , 20 .

Counsel for the applicant, [name]

[*Mi'kmaw Family and Children Services/Minister of Community Services*]

Counsel for the respondent, [name]

The respondent, [name]

Form 60A.16

20

No.

Supreme Court of Nova Scotia
(Family Division)

Between: [copy standard heading]

[name]

Applicant

and

[name]

Respondent[s]

Notice of Motion for Disposition Order

TAKE NOTICE: Sharing identifying information, including copies of documents, from this proceeding verbally, in writing or through the internet, including Facebook, Snapchat, Instagram or any other social media, is an offence pursuant to section 94(1) of the *Children and Family Services Act*, punishable by a fine of up to \$10,000 and imprisonment for 2 years.

To: [name each respondent entitled to notice]

Motion for disposition order

[*Minister of Community Services/Mi'kmaw Family and Children's Services*] , the applicant in this proceeding, moves for a disposition order to be granted under subsection 42(1) of the *Children and Family Services Act* at a hearing under section 41 of the *Act*.

Time and place for hearing of motion

The motion is to be heard by a judge at a [*prehearing conference/disposition hearing*] to be held on [date] , 20 at [*a.m./p.m.*] in the Courthouse [address] , Nova Scotia.

Evidence

The evidence in support of the motion is as follows:

- 1 affidavit of [name] sworn on [date] , and filed with this notice.
- 2 affidavit of [name] sworn on [date] , already filed in this proceeding.

3 affidavit of [name] to be sworn and filed before the deadline, about [insert details of the anticipated evidence of the witness] .

Also, the evidence will include the agency's plan for the child's care.

A copy of each affidavit and the agency's plan for the child's care is to be delivered to you with the notice.

Possible order against you

You may attend the hearing of the motion, and state your position on whether the proposed order should be made. If you do not attend, the judge may grant an order without further notice to you.

Counsel

You may retain and instruct counsel to represent you at the hearing. If you are unable to afford a lawyer, a lawyer may be available through the local Legal Aid office. If you wish to be represented by a lawyer, you should contact a lawyer as soon as possible.

Signature

Signed [date] , 20

Signature
Print name:

Form 60A.17

20

No.

Supreme Court of Nova Scotia
(Family Division)

Between: [copy standard heading]

[name]

Applicant

and

[name]

Respondent[s]

Agency's Plan for the Child's Care

1 Disposition order sought [describe the order the agency seeks] .

2 **Description of services to be provided**

[describe the services to be provided to remedy the condition or situation in which the child was found in need of protective services] :

(a) the agency will provide the following services: [agency services] ;

(b) the agency will seek services from: [other community resources] .

3 **Criteria for determination**

The agency will determine when its care and custody or supervision is no longer required as follows: [specify the objectives of the agency's intervention and how attainment of those objectives will be determined] .

4 **When agency plan should end**

The agency estimates the time required to achieve the purpose of the agency's intervention [including the appropriate date for review, specific timelines with respect to service plans and prognosis] .

5 **Removing child from care of parent or guardian**

If the agency proposes to remove the child from the care of a parent or guardian, provide the following information:

(a) [an explanation of why the child cannot be adequately protected while in the care of the parent or guardian] [refer to the condition or situation and the basis on which the child was found to be in need of protective services] ;

- (b) [a description of past and present services] :
 - (i) Services that have been attempted and their current status [include any reasons why the services have failed, if applicable] ;
 - (ii) Services that have been refused by the parent or guardian [specify the reasons for the refusal and any renewed offer of services made subsequent to that refusal] ;
 - (iii) Services that have been considered, but would be inadequate to protect the child [specify why the services would be inadequate to protect the child] .
- (c) possible placements with a relative, neighbour or other member of the child's community or extended family that have been considered and rejected and reasons for the rejection;
- (d) what efforts, if any, are planned to maintain the child's contact with the parent or guardian [specify the proposed frequency and terms of any such contact] .

6 If the agency proposes that the child be placed in temporary care and custody of the agency, they must provide the following information:

- (a) a description of the child's needs with reference to the findings of current or previous assessments;
- (b) a statement of the goals to be achieved for the child while in temporary care and custody;
- (c) a statement of the objectives and the specified goals for the child;
- (d) a statement of the educational program for the child;
- (e) a statement of the ways in which the child's parents will be involved in the plan of care, including arrangements for contact between the child and the child's family;
- (f) particulars of any specialized service to be provided;
- (g) particulars of the dates for review of the plan of care and revisions to the plan of care as necessary;
- (h) a statement of the anticipated plan at final disposition, where applicable;
- (i) if the child has siblings, a statement of efforts made to keep the child with those siblings;

- (j) an explanation of the efforts made to maintain contact with the child's relatives and friends;
- (k) an explanation of how the child's religion, culture, race, and language will be preserved with the placement;
- (l) an explanation of the steps taken for continuity in the child's education and religion.

[or]

- 6 If the agency proposes that the child be placed in the permanent care and custody of the agency, they must provide the following information:
- (a) why the circumstances justifying the proposal are unlikely to change within a reasonably foreseeable time not exceeding the maximum time limits [specify the barriers to change, agency efforts to remedy or alleviate those barriers and why those efforts would be unsuccessful within the maximum time limits provided in the *Act*] ;
 - (b) a description of the arrangements made or being made for the child's long-term stable placement [refer to the child's present placement, any intended changes to that placement, any special needs of the child, availability of long-term placements, agency plans to identify a permanent placement for the child, adoption prospects, etc.] ;
 - (c) an explanation of how the child's religion, culture, race, and language will be preserved with the placement.

[The two paragraphs numbered six are in the alternative.]

Signature

Signed [date] , 20

Signature
Print name:

Form 60A.19

20

No.

Supreme Court of Nova Scotia
(Family Division)

Between: [copy standard heading]

[name]

Applicant

and

[name]

Respondent[s]

Order of Dismissal

Before the Honourable Justice

Findings

The persons entitled to notice of this proceeding have been notified;

The child, [name] , born [date] , was found to be in need of protective services under the *Children and Family Services Act*, section 22(2) [refer to section(s) relied on] , on [date] , 20 ;

After reading the notice of motion for a disposition order and all the documents on file, including the agency plan for the child's care, and hearing testimony on [date] , 20 , a decision was made on [date] , 20 ;

Order

It is ordered that this child protection proceeding for the child [name] , born [date] , is dismissed.

Issued [date] , 20

Prothonotary

Form 60A.20

20

No.

Supreme Court of Nova Scotia
(Family Division)

Between: [copy standard heading]

[name]

Applicant

and

[name]

Respondent[s]

Supervision Order

Before the Honourable Justice

Findings

The persons entitled to notice of this proceeding have been notified;

The child, [name] , born [date] , was found to be in need of protective services under the *Children and Family Services Act*, section 22(2) [refer to section(s) relied on] , on [date] , 20 ;

After reading the notice of motion for a disposition order and all the documents on file, including the child's birth certificate, or other proof of birth and the agency plan for the child's care, and hearing testimony on [date] , 20 , a decision was made on [date] , 20 ;

The maximum time period of the proceeding with respect to the child, [name] , is [date] .

Order

It is ordered:

1 The child [name] , born , [is to remain in/to be returned to] the care and custody of , under supervision of the agency.

2 The terms and conditions of the supervision are as follows:

(a) ;

(b) ;

(c) .

- 3 A representative of the agency may enter the residence of the child to provide guidance and assistance and to determine that the child is being properly cared for.
- 4 A judge will review the supervision order at [a.m./p.m.] on [date] , 20 at [insert address] in the Courthouse, [insert address] , Nova Scotia, or at an earlier time directed by a judge.

Issued [date] , 20

Prothonotary

Form 60A.20A

20

No.

Supreme Court of Nova Scotia
(Family Division)

Between: [copy standard heading]

[name]

Applicant

and

[name]

Respondent

Customary Care Order

Before the Honourable Justice

Findings

The persons entitled to notice of this proceeding have been notified;

The child, [name] , born [date] , was in need of protective services under the *Children and Family Services Act*, section 22(2) [refer to section(s) relied on] , on [date] , 20 ;

The child, [name] , is or is entitled to be a [Mi'Kmaq/an Aboriginal child] ;

After reading the notice of motion for a disposition order and all the documents on file, including the child's birth certificate, or other proof of birth and the agency plan for the child's care, and hearing testimony on [date] , 20 , a decision was made on [date] , 20 ;

The maximum time period of the proceeding with respect to the child, [name] , is [date] , 20 ;

Order

It is ordered:

- 1 The child, [name] , born, [date] , [is to remain in [or] is to be placed in] the customary care and custody of [name] , with the consent of [name] , and under the supervision of the agency.

2 The terms and conditions of the supervision are as follows:

a. ;

b. .

3 A representative of the agency may enter the residence of the child to provide guidance and assistance and to determine that the child is being properly cared for.

4 A judge will review the customary care order at [a.m./p.m.] on [date] , 20 , at in the Courthouse, [insert address] , Nova Scotia, or at an earlier time directed by a judge.

Issued [date] , 20

Prothonotary

Form 60A.21

20

No.

Supreme Court of Nova Scotia
(Family Division)

Between: [copy standard heading]

[name]

Applicant

and

[name]

Respondent[s]

Order for Temporary Care and Custody

Before the Honourable Justice

Findings

The persons entitled to notice of this proceeding have been notified.

The child, [name] , born [date] , was in found to be in need of protective services under the *Children and Family Services Act*, section 22(2) [refer to section(s) relied on] , on [date] , 20 .

Less intrusive alternatives, including services to promote the integrity of the family have been attempted and have failed, have been refused by the parent or guardian, or would be inadequate to protect the child.

Placement of the child with a relative, neighbour, or other member of the child’s community or extended family is not possible.

After reading the notice of motion for a disposition order and all the documents on file, including the child’s birth certificate, or other proof of birth and the agency plan for the child’s care, and hearing testimony on [date] , 20 , a decision was made on [date] , 20 .

The maximum time period of the proceeding with respect to the child, [name] , is [date] , 20 . However, if the court is not satisfied that the circumstances justifying this order are likely to change by [insert date of maximum time period] , the court may make an order for permanent care and custody.

Order

It is ordered:

- 1 The child [name] , born [date] , is placed in the temporary care and custody of the agency.

- 2 The terms and conditions of the temporary care and custody are as follows:
 - (a) ;

 - (b) ;

 - (c) .

- 3 A judge will review this order for temporary care and custody at [a.m./p.m.] on [date] , 20 , in the Courthouse [address] , Nova Scotia, or at an earlier time directed by a judge.

Issued [date] , 20

Prothonotary

Supreme Court of Nova Scotia
(Family Division)

Between: [copy standard heading]

[name]

Applicant

and

[name]

Respondent[s]

Order for Permanent Care and Custody

Before the Honourable Justice

Findings

The persons entitled to notice of this proceeding have been notified;

The child, [name] , born [date] , was found to be in need of protective services under the *Children and Family Services Act*, section 22(2) [refer to section(s) relied on] , on [date] , 20 ;

Less intrusive alternatives, including services to promote the integrity of the family have been attempted and have failed, have been refused by the parent or guardian, or would be inadequate to protect the child;

Placement of the child with a relative, neighbour, or other member of the child's community or extended family is not possible;

The circumstances justifying the order of permanent care and custody are unlikely to change within a reasonably foreseeable time not exceeding the maximum time limits under the *Children and Family Services Act* for the child to be returned to the parent or guardian;

After reading the notice of motion for a disposition order and all the documents on file, including the child's birth certificate, or other proof of birth and the agency plan for the child's care, and hearing testimony on [date] , 20 , a decision was made on [date] , 20 .

Order

It is ordered:

- 1 The child [name] , born [date] , is placed in the permanent care and custody of the agency.

Issued [date] , 20

Prothonotary

Supreme Court of Nova Scotia
(Family Division)

Ex Parte Application by [name of each applicant] [*Applicant/Applicants*]

for an Order to Locate and Detain a Child

Order to Locate and Detain a Child

Before the Honourable Justice

in Chambers

Findings

The child, [name] , born on [date] , has withdrawn from the child's parent, guardian, or agency, namely, [insert name of parent, guardian or agency] , and there are reasonable and probable grounds to believe that the child's health or safety may be at risk.

Order

It is ordered:

1 Pursuant to section 29(1)(c) of the *Children and Family Services Act*, each peace officer to whom a copy of this order is delivered shall locate and detain the child, [name] , and upon detaining the child, the peace officer shall, as soon as it is possible, return the child, to [insert name and contact information of the parent, guardian or agency] .

[or]

1 Pursuant to section 29(1)(d) of the *Children and Family Services Act*, each peace officer to whom a copy of this order is delivered shall locate and detain the child, [name] , and upon detaining the child, the peace officer shall, as soon as it is possible, deliver the child to a representative of the Minister of Community Services.

[or]

1 Pursuant to section 29(1)(e) of the *Children and Family Services Act*, each peace officer to whom a copy of this order is delivered shall locate and detain the child, [name] , and upon detaining the child, the peace officer shall, as soon as it is possible, deliver the child to a child-caring facility as directed by a representative of the Minister of Community Services.

[AND (If appropriate)]

2 Pursuant to *Civil Procedure Rule 60A.28(3)*, the Affidavit of [name] sworn [date] , 20 , a copy of the recording of the hearing held [date] , 20 , and this order shall be provided to [*Minister of Community Services/Mi'kmaw Family and Children's Services*] forthwith.

Issued [date] , 20

Prothonotary

Form 60A.32

20

No.

Supreme Court of Nova Scotia
(Family Division)

Between: [copy standard heading]

[name]

Applicant

and

[name]

Respondent[s]

Application to Remove Name From Child Abuse Register

To: [name respondent]

Application to remove name from child abuse register

The applicant, [full name] , of [address] , Nova Scotia applies for an order to remove the applicant's name from the Child Abuse Register under subsection 64(2) of the *Children and Family Services Act*.

Certificate

The applicant certifies as follows:

- 1 I do not now pose a risk to children, for the following reasons: [insert reasons] .
- 2 I therefore request an order that my name be removed from the Child Abuse Register.
- 3 Attached to this application and marked Exhibit "A" is a true copy of the written notice of registration received by me from the Child Abuse Register.

Contact information

The applicant has designated the following address:

Further contact information is available from the prothonotary.

Signature

Signed [dated] , 20

Signature of applicant

Print name:

[or]

Signature of counsel

[name] as counsel
for the applicant [name]

Prothonotary's certificate

I certify that this application for removal from the child abuse register was filed with the court on [date] , 20 .

Prothonotary

Supreme Court of Nova Scotia
(Family Division)

Between: [copy standard heading]

[name]

Applicant/Petitioner

and

[name]

Respondent

Statement of Contact Information and Circumstances

of [name] prepared on [date]

[Please complete all sections regarding your case. Please print in ink. You may discuss the shaded sections for contact information and service directions with a court officer before completing these sections.]

Section A	Information about you. (APPLICANT)	Information about the person against whom you are making this application. (RESPONDENT)
Name	Last Name: First Name: Middle Name: Previous Names: Other Names, Alias, etc.:	Last Name: First Name: Middle Name: Previous Names: Other Names, Alias, etc.:
Prefix	<input type="checkbox"/> Mr. <input type="checkbox"/> Ms. <input type="checkbox"/> Other:	<input type="checkbox"/> Mr. <input type="checkbox"/> Ms. <input type="checkbox"/> Other:
Gender	<input type="checkbox"/> Male <input type="checkbox"/> Female <input type="checkbox"/> Other	<input type="checkbox"/> Male <input type="checkbox"/> Female <input type="checkbox"/> Other
Birth Date	Day ____ Month ____ Year ____	Day ____ Month ____ Year ____
Telephone Email Fax	Home..... Business..... Message..... Other..... Email..... Fax.....	Home..... Business..... Message..... Other..... Email..... Fax.....

Address	P.O. Box..... Apt. No. Street..... City/Town..... Province..... Postal Code..... Special Directions to Accommodate Service of Documents:.....	P.O. Box..... Apt. No. Street..... City/Town..... Province..... Postal Code..... Special Directions to Accommodate Service of Documents:.....
Legal Counsel	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Maybe If yes: Lawyer's Name: Firm Name:..... Address: Phone: Email: Fax:	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Maybe If yes: Lawyer's Name: Firm Name:..... Address: Phone: Email: Fax:
Current Marital Status	<input type="checkbox"/> Married <input type="checkbox"/> Divorced <input type="checkbox"/> Separated <input type="checkbox"/> Spousal or Common law relationship <input type="checkbox"/> Single	<input type="checkbox"/> Married <input type="checkbox"/> Divorced <input type="checkbox"/> Separated <input type="checkbox"/> Spousal or Common law relationship <input type="checkbox"/> Single
Income	<input type="checkbox"/> Employment Income (salary/wages) <input type="checkbox"/> Commission/Bonuses/Overtime <input type="checkbox"/> Self-employed <input type="checkbox"/> Income from a Partnership/Corporation <input type="checkbox"/> Employment Insurance <input type="checkbox"/> Social Assistance/Family Benefits <input type="checkbox"/> Worker's Compensation <input type="checkbox"/> Pension Income <input type="checkbox"/> Income from a Trust <input type="checkbox"/> Other Explain:	<input type="checkbox"/> Employment Income (salary/wages) <input type="checkbox"/> Commission/Bonuses/Overtime <input type="checkbox"/> Self-employed <input type="checkbox"/> Income from a Partnership/Corporation <input type="checkbox"/> Employment Insurance <input type="checkbox"/> Social Assistance/Family Benefits <input type="checkbox"/> Worker's Compensation <input type="checkbox"/> Pension Income <input type="checkbox"/> Income from a Trust <input type="checkbox"/> Other Explain:

Occupation	Occupation	Occupation

	Employer Information	Employer Information
	Name:	Name:
	Address:	Address:

	Phone Number:	Phone Number:
	Email:	Email:
	Fax:	Fax:
	<input type="checkbox"/> Other Places of Employment	<input type="checkbox"/> Other Places of Employment

Section B	Relationship Between Applicant and Respondent
<input type="checkbox"/> Married Date of Marriage: Date of Separation:	
<input type="checkbox"/> Spousal or Common Law Date spousal or common law relationship began: Date of Separation:	
<input type="checkbox"/> Divorced Date of Divorce Order:	
<input type="checkbox"/> Single <input type="checkbox"/> Parent of Applicant's Child <input type="checkbox"/> Other Explain:	

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

Section D	Most Recent Court Order or Written Agreement
<p>Most Recent Court Order (if any):</p> <p>Date Issued:</p> <p>Court:</p> <p>File Number:</p> <p>Most Recent Written Agreement (if any):</p> <p>Date:</p> <p>Other Court Proceedings (if any):</p> <p>Type:</p> <p>Court:</p> <p>File number:</p>	

Section E	Accessibility requests
<p data-bbox="136 205 1269 239">Do you have any language, communication, or health needs that require accommodation?</p> <p data-bbox="230 281 412 315">Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p data-bbox="136 352 1477 386">If yes, please explain: _____</p> <p data-bbox="136 415 1477 428">_____</p> <p data-bbox="136 457 1477 470">_____</p>	

Signature

Signed on [date] , 20

Signature

Print name:

Form FD2A

20

No.

Supreme Court of Nova Scotia
(Family Division)

Between: [copy standard heading]

[name]

Applicant/Petitioner

and

[name]

Respondent

Parenting Statement

Please check the box that applies to you:

I am the applicant (the person making the application/petition)

[or]

I am the respondent (the person responding to an application/petition)

This matter relates to the following child or children:

<u>Full name (Including Middle Name)</u>	<u>Age</u>	<u>Birthdate (M/D/Y)</u>
--	------------	--------------------------

_____	_____	_____
_____	_____	_____
_____	_____	_____

The child or children receive child care or attend pre-school or school as follows:

<u>Child's Name</u>	<u>Days</u>	<u>Hours</u>	<u>Location</u>
---------------------	-------------	--------------	-----------------

_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

The following child or children have special needs or disabilities that may affect decision-making/custody, parenting time or parenting arrangements:

<u>Child's Name</u>	<u>Special Needs or Disabilities</u>	<u>Details</u>
---------------------	--------------------------------------	----------------

_____	_____	_____
_____	_____	_____
_____	_____	_____

PRESENT PARENTING ARRANGEMENTS

1. The present parenting arrangements for each child:

a) Where does each child live now?

b) What is the schedule of parenting time for each child now?

PROPOSED PARENTING ARRANGEMENT

2. The proposed parenting arrangements for each child:

a) Where do you want each child to live?

b) What schedule of parenting time do you want for each child?

(i) Reasonable parenting time (flexible parenting schedule that you both agree to):

[or]

(ii) Specified parenting time (give specific details including dates and times). Attach a schedule if necessary:

a. Regular parenting time (i.e. throughout school year)

weekend time (specify)

weekday time (specify)

b. Holiday/Special Occasion parenting time (specific days and times)

March Break

Summer Holiday

Christmas/Hannukah/Kwanza

Easter

Other

[or]

(iii) Supervised parenting time (visiting that takes place with another adult present), if so, give specific details (who would supervise/where and when):

3. Do you or the other parent work outside the home, if so, what are the days and hours of work?

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

Signature

Signed on [date] , 20

Signature

Print name:

Supreme Court of Nova Scotia
(Family Division)

Between: [copy standard heading]

[name]

Applicant/Petitioner

and

[name]

Respondent

Statement of Contact Time and Interaction

Completed by: [first and last name of person] on [day/month/year]

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

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

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

Section 1: RELATIONSHIP TO CHILD

Please describe your relationship to each child:

<i>Child's Last Name</i>	<i>Child's First and Middle Names</i>	<i>Date of Birth (d/m/y)</i>	<i>Relationship (e.g. grandparent, sibling of parent, family friend, etc.)</i>

Section 2: RELATIONSHIP BETWEEN PARTIES

Relationship between the parties:

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

Section 3: CURRENT CONTACT TIME/INTERACTION AVAILABILITY

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

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

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

 - Other [describe circumstances]: _____

Section 4: REASONS FOR REQUESTING AN ORDER

- I have asked for contact or interaction with the [child/children] and all of my requests were refused
- I have not had any contact or interaction with the [child/children] since [date]

- Other [describe circumstances]: _____

Section 5: CONTACT TIME PROPOSAL

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

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

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

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

Section 6: TRANSPORTATION BETWEEN HOMES

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

Section 7: INTERACTION PROPOSAL

I propose the following interaction with the [child/children] :

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

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

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

 - communicate with each child in writing by [describe, for example: letters, emails, texts] :

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

- communicate with each child verbally by [describe, for example: telephone, internet conferencing] :

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

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

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

Signature

Signed on [date] , 20

Signature

Print name:

Form FD3

20

No.

Supreme Court of Nova Scotia
(Family Division)

Between: [copy standard heading]

[name]

Applicant/Petitioner

and

[name]

Respondent

Statement of Income of [name] prepared on [date]

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

1 The following chart converts my gross income as stated on my filed or attached _____ to a monthly figure.

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

First Income Source: _____ (Name of Source)

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

Second Income Source: _____ (Name of Source)

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

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

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

Total Monthly Income for table amount:	(Line O, above) _____ X 12
Total Annual Income for table amount:	_____

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

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

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

I AM AN EMPLOYEE:

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

I AM UNEMPLOYED:

Attached is a statement of my income to date this year from [include particulars of all income received by way of employment insurance benefits, social assistance, pension income, Workers Compensation, disability or such other benefits or income as may apply. If a statement of income is not available, provide a letter from the applicable source of income stating the required information] .

I AM SELF-EMPLOYED:

I am self-employed and attached are:

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

I AM A MEMBER OF A PARTNERSHIP:

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

I CONTROL A CORPORATION:

(i) Attached are true copies of the financial statements for the corporation _____ [name of corporation] , in which I have a controlling interest, for the three most recent taxation years. [Where a party controls a corporation, the financial statements for the three most recent taxation years for that corporation must be provided as well as the financial statements for that company's subsidiaries.]

(ii) Attached is a statement showing a breakdown of all salaries, wages, management fees and other payments or benefits paid to, or on behalf of, persons or corporations with whom the corporation, and every related corporation does not deal at arm's length.

I AM A BENEFICIARY UNDER A TRUST:

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

I AM AN ADMINISTRATOR OR A TRUSTEE OF A TRUST

[Sworn to/Affirmed] before me)
on [date] , 20)
at [City/Town] , Nova Scotia)
)
)
)

Signature of Authority
Print name:
Official capacity:

Signature of

Supreme Court of Nova Scotia
(Family Division)

Between: [copy standard heading]

[name]

Applicant/Petitioner

and

[name]

Respondent

**Statement of Special or Extraordinary Expenses
of [name] prepared on [date]**

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

- 1 I am claiming an amount to cover special or extraordinary expenses for one or more of the following reasons [indicate which of the following you are claiming] :
- a) child care expenses incurred as a result of my employment, illness, disability or education or training for employment;
 - b) that portion of the medical and dental insurance premiums attributable to the child;
 - c) health-related expenses that exceed insurance reimbursement by at least \$100 annually, including orthodontic treatment, professional counselling provided by a psychologist, social worker, psychiatrist or any other person, physiotherapy, occupational therapy, speech therapy and prescription drugs, hearing aids, glasses and contact lenses;
 - d) extraordinary expenses for primary or secondary school education or for any educational programs that meet the child's particular needs;
 - e) expenses for post-secondary education; or
 - f) extraordinary expenses for extracurricular activities.

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

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

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

4 I am unable to obtain receipts or other documentation, for the following reasons:
[provide details] _____

_____.

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

_____.

[Sworn to/Affirmed] before me)
on [date] , 20)
at [City/Town] , Nova Scotia)
)
)
)
)

Signature of Authority

Print name:

Official capacity:

Signature of

Supreme Court of Nova Scotia
(Family Division)

Between: [copy standard heading]

[name]

Applicant/Petitioner

and

[name]

Respondent

**Statement of Undue Hardship Circumstances
of [name] prepared on [date]**

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

- 1 I am claiming undue hardship on the basis of one or more of the following circumstances [indicate which of the following you are claiming] :
- a) I am responsible for an unusually high level of debts, which I have reasonably incurred to support myself, the other party and our child or children prior to our separation;
 - b) I am responsible for an unusually high level of debts, which I have reasonably incurred to earn a living;
 - c) I have unusually high expenses in relation to exercising parenting time with my child;
 - d) I have a legal duty under a judgment, order or written separation agreement to support any person [other than the child(ren) to whom this proceeding relates] ;
 - e) I have a legal duty to support a dependent child in my household [other than the child(ren) to whom this proceeding relates] ;

f) I have a legal duty to support an adult person who is unable, by reason of illness, disability or other cause, to obtain the necessaries of life; or

g) I have some other undue hardship circumstance [be as specific as possible] :

2 Residing with me as part of my household are the following individuals [in the case of the adults, also include their gross annual incomes for the past year] :

(a) Spouse or Partner:

Name _____ Gross annual income: _____

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

Name _____ Gross annual income: _____

Name _____ Gross annual income: _____

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

Child's Full Name _____ Date of Birth: _____

Child's Full Name _____ Date of Birth: _____

3 Attached are true copies of the Notice of Assessment and Income Tax Return for the preceding year, 20 , for each of the individuals listed in paragraph 2 above.

4 Attached are true copies of the last two consecutive income statements [for example, pay stubs, Employment Insurance stubs, income assistance stub] or, instead, a letter from the employer [or income provider] confirming gross income year-to-date for the current year, 20 , for each of the individuals listed in paragraph 2 above.

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

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

Factor: _____ Annual Amount: _____

Factor: _____ Annual Amount: _____

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

Annual Amount: _____ Date of Judgment, Order or Agreement: _____

Annual Amount: _____ Date of Judgment, Order or Agreement: _____

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

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

Annual Amount: _____ Date of Judgment, Order or Agreement: _____

Annual Amount: _____ Date of Judgment, Order or Agreement: _____

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

9 I understand that my claim of undue hardship must be denied by the court if my household standard of living is higher than the household standard of living of the other party, and my calculations of the comparison of household standards of living in accordance with Schedule II of the Guidelines:

are attached.

[or]

will be filed in accordance with the rules of the court upon receipt of the other party's financial information.

[*Sworn to/Affirmed*] before me)
on [date] , 20)
at [City/Town] , Nova Scotia)
)
)
_____)

Signature of Authority

Print name:

Official capacity:

_____) Signature of

Supreme Court of Nova Scotia
(Family Division)

Between: [copy standard heading]

[name]

Applicant/Petitioner

and

[name]

Respondent

**Statement of Expenses
of [name] prepared on [date]**

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

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

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

EXPENSES	MONTHLY BUDGETED EXPENSES	COMMENTS
1. Rent/Mortgage		
2. Municipal Taxes		
3. Property - Fire Insurance		
4. Heat		
5. Electricity		
6. Water		
7. Telephone, Postage		
8. Cable		
9. House Repairs, Maintenance, Appliance & Furniture Repairs and Replacement		
10. Food		
11. Toiletries, Household Supplies		
12. Clothing		
13. Laundry and Dry-Cleaning		

EXPENSES	MONTHLY BUDGETED EXPENSES	COMMENTS
14. Motor Vehicle: (a) Payment		
(b) Gas		
(c) Maintenance/Repair		
(d) Insurance, License, Registration & Inspection		
(e) Parking & Tolls		
15. Taxis, Public Transportation		
16. Section 7 Child Related Expenses: (a) Child Care Expense (day-care or baby-sitting)		
(b) Children's Medical or Dental Insurance Premiums		
(c) Health Related Expenses		
(d) Primary or Secondary School Expense		
(e) Post Secondary School Expense		
(f) Extracurricular Activities		
17. School Supplies, Tuition, Books		
18. Children's Allowances and Activities		
19. Costs related to having time or interaction with a child or children (for example, travel costs)		
20. Hair and Grooming		
21. Life Insurance/Medical Insurance		
22. Drugs		
23. Dental		
24. Glasses		
25. Christmas, Birthdays, Events & Gifts		
26. Newspapers and Magazines		
27. Charitable Donations		
28. Holidays		
29. Entertainment		
30. Savings		
31. Child Support (paid for a child other than the child(ren) to whom this proceeding relates)		
32. Spousal Support (for a spouse other than a party to the proceeding)		

EXPENSES	MONTHLY BUDGETED EXPENSES	COMMENTS
33. Miscellaneous		
34. Other -		
35. Other -		
SUB-TOTAL (add lines 1 to 35)		
Debt Payments:		
36.		
37.		
38.		
SUB-TOTAL (lines 1 to 35 + lines 36 to 38)		
39. Income Source Deductions, excluding Income Tax		
(1) CPP		
(2) EI		
Pension		
Union Dues		
Medical Plan		
Other -		
TOTAL EXPENSES (Sub-total from above, + line 39 total)		
SUMMARY		
Total Income Before Tax (from Statement of Income)		
Less: Total Expenses (from above)		
Surplus (Deficit) Before Tax		
Less: Income Tax (Attach Calculations)		
SURPLUS (DEFICIT)		

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

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

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

NAME	OCCUPATION OR SOURCE OF INCOME

[Sworn to/Affirmed] before me)
on [date] , 20)
at [City/Town] , Nova Scotia)
)
)
)
_____)

Signature of Authority

Print name:

Official capacity:

Signature of

Form FD7

20

No.

Supreme Court of Nova Scotia
(Family Division)

Between: [copy standard heading]

[name]

Applicant/Petitioner

and

[name]

Respondent

**Statement of Property
of [name] prepared on [date]**

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

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

Real Estate

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

Household Items

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

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

Vehicles

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

Make, Model and Year **Possession** **Value as of** _____

Pensions

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

Category **Institution** **Value as of** _____

R.R.S.P.s

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

Category **Institution** **Account Number** **Value as of** _____

Savings and Other Accounts

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

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

Securities

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

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

Life and Disability Insurance

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

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

Accounts Receivable

[Give particulars of all debts owing to you.]

Particulars

Amount as of _____

Business Interests

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

Nature of Firm or Company

Interest

Estimated Value as of _____

Other

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

Category

Estimated Value as _____

Debts

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

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

[*Sworn to/Affirmed*] before me)
on [date] , 20)
at [City/Town] , Nova Scotia)
)
)
)

Signature of Authority
Print name:

Signature of

Form FD8

20

No.

Supreme Court of Nova Scotia
(Family Division)

Between: [copy standard heading]

[name]

Applicant

and

[name]

Respondent

Notice of Motion for Directions (Family)

To:

Motion for date and directions

At [a.m./p.m.] on [date], 20 ,
the applicant will appear before a judge in court at the courthouse at:

to make a motion for an order giving directions and appointing a time, date, and place for the hearing.

If you fail to attend

The judge may provide directions in your absence if you or your counsel fail to attend.

Affidavit on motion for directions

The applicant files the affidavit of _____,
sworn on [date], 20 , as evidence on the motion for directions. A copy of the affidavit is delivered to you with this notice.

Signature

Signed on [date], 20

Signature
Print name:

Form FD9

20

No.

Supreme Court of Nova Scotia
(Family Division)

Between: [copy standard heading]

[name]

Applicant

and

[name]

Respondent

Affidavit Supporting a Motion for Directions (Family)

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

1 I am [name], the [applicant/respondent] and I filed a [choose one] :

- Notice of Application
- Notice of Variation Application
- Response to Application
- Response to Variation Application

on [date], 20 .

2 I have personal knowledge of the evidence [sworn to/affirmed] in this affidavit except where otherwise stated to be based on information or belief.

3 I state, in this affidavit, the source of any information that is not based on my own personal knowledge, and I state my belief of the source.

4 I have made a motion, filed on [date], 20 , for an order giving directions and appointing a time, date, and place for the hearing, and this affidavit provides the required supporting evidence.

5 There are: [choose one]

- no persons who have an interest in the application other than the parties.
- the following persons who may have an interest in the matters raised by the application [provide names]:

6 I expect to file, in addition to my own affidavit(s) [choose one]:

- no affidavits from witnesses.
- affidavits from the following witnesses, dealing with the following subjects:

<i>Name of Witness</i>	<i>Subject</i>

7 I know that the following other persons may have relevant information:

<i>Name of Witness</i>	<i>Possible Subject</i>

8 Witnesses: [choose one]

- I do not anticipate discovering any witnesses.
- I anticipate discovering the following witnesses [list names] :

9 I have filed all statements, documents, and information required by the *Nova Scotia Civil Procedure Rules*, and the applicable legislation, as follows:

- parenting statement filed on [date] , 20
- statement of income filed on [date] , 20
attached supporting documents as required and listed in the statement
- statement of special or extraordinary expenses filed on [date] , 20
- attached supporting documents as required and listed in the statement
- statement of undue hardship circumstances filed on [date] , 20
attached supporting documents as required and listed in the statement

- statement of expenses filed on [date] , 20
attached supporting documents as required and listed in the statement
- statement of property filed on [date] , 20
attached supporting documents as required and listed in the statement
- pre-hearing brief filed on [date] , 20
- affidavit of [name]
filed on [date] , 20
- other affidavits and documents [give specifics, filing date, and indicate if each document was filed in support of a motion and whether a request will be made to rely on the document at the hearing] :

10 I have received a copy of the Respondent's: [choose one]

- Response to Application, filed on [date] , 20 , by the other party(ies),
_____ [name(s)]
- Response to Variation Application, filed on [date] , 20 , by the other party(ies),
_____ [name(s)]
- I do not know whether the other party(ies), _____
[name(s)] has filed a Response to Application or a Response to Variation
Application, as I have not received any copy of a filed response.

11 I have received a copy of the following statements, documents, and information required by the *Nova Scotia Civil Procedure Rules*, and the applicable legislation filed on [date] , 20 , by the other party(ies), _____ [name(s)]
[specify documents from above list including filing dates]:

12 I require the following statements, documents, and information from the other party(ies), _____ [name(s)], and I believe that these are also required by the *Nova Scotia Civil Procedure Rules*, and the applicable legislation [specify documents from above list]:

13 To my knowledge, the following information may significantly affect the time needed to prepare for the hearing and the length of the hearing itself [identify information and include, if applicable, details as required under Rule 5.07(4)(e) to (g)] :

[Sworn to/Affirmed] before me)
on [date] , 20)
at [City/Town] , Nova Scotia)
)
)
)

Signature of Authority
Print name:
Official capacity:

Signature

Form FD10

20

No.

Supreme Court of Nova Scotia
(Family Division)

Between: [copy standard heading]

[name]

Applicant/Petitioner

and

[name]

Respondent

Request for Date Assignment Conference (Divorce)

Party's request

The [petitioner/respondent] , [name] , requests the court to provide a date assignment conference.

Requirements for request

The pleadings have closed and: [choose one]

- both parties have completed all of the following:
- filed all statements and documents to make disclosure as required by *Civil Procedure Rule 59* or the *Child Support Guidelines*;
- discovered all individual parties of whom they require discovery, discovered at least the designated manager or one other officer or employee from any corporate party of whom they require discovery and answered interrogatories required to be answered by or on behalf of the party;
- prepared for trial sufficiently that there is little risk that the trial will be adjourned to allow further preparation or to permit a party to take a further step in the proceeding.

[or]

- the [petitioner/respondent] , [name] , has completed all of the following:
- filed all statements and documents to make disclosure as required by *Civil Procedure Rule 59* or the *Child Support Guidelines*;

- discovered all individual parties of whom they require discovery, discovered at least the designated manager or one other officer or employee from any corporate party of whom they require discovery and answered interrogatories required to be answered by or on behalf of the party;
- prepared for trial sufficiently that there is little risk that the trial will be adjourned to allow further preparation or to permit a party to take a further step in the proceeding.

The other party, [name] , the [respondent/petitioner] , has not completed these required steps and

[Provide an explanation of why this is not necessary or possible, and all steps taken to obtain the required information.]

[or]

The party making this request is permitted to do so by order [date] , 20 .

Pleadings

[list all pleadings in chronological order]

<i>Date</i>	<i>Pleading</i>	<i>Brief Description of Relief Sought</i>
	[Petition for Divorce]	
	[Answer]	

List of orders

[list all orders in chronological order]

<i>Date</i>	<i>Order</i>	<i>Description</i>

Status of action

The status of procedures in relation to this divorce action is: [choose one]

- as provided in the section on **Requirements for request** for disclosure, and there are no outstanding discoveries or expert opinion.
- as follows:

[Describe generally, including the status of the disclosure, discoveries, and expert opinion.]

Future procedures

This party foresees the parties being engaged in the following procedures before trial:

[Describe all procedures that may be engaged by any party, including holding a discovery, delivery of an expert’s report, and making a motion.]

Statements and documents filed

The evidence in support of the request is as follows:

- marriage certificate [if marriage certificate cannot be produced, an affidavit must be filed proving the marriage and providing sufficient reasons for not proving it by certificate, or an order waiving the requirement of producing the marriage certificate]
- affidavit proving the other party was notified of the proceeding
- parenting statement filed on [date] , 20
- statement of income filed on [date] , 20
 - attached supporting documents as required and listed in the statement
- statement of special or extraordinary expenses filed on [date] , 20
 - attached supporting documents as required and listed in the statement
- statement of undue hardship circumstances filed on [date] , 20
 - attached supporting documents as required and listed in the statement
- statement of expenses filed on [date] , 20
 - attached supporting documents as required and listed in the statement

- statement of property filed on [date] , 20
 - attached supporting documents as required and listed in the statement
- trial brief filed on [date] , 20
- draft divorce order
- draft corollary relief order
- other required statements or documents [give specifics, filing date, and indicate if each document was filed in support of a motion and whether a request will be made to rely on the document at the hearing]
- the other party's required statements and information - specify documents from above list: _____
- affidavit evidence showing that the other party fails to produce a required statement or information and showing production cannot reasonably be compelled

Documents and information to be introduced

This party anticipates the following documentary and electronic evidence will be introduced at trial by any party: [generally describe quantity and nature]

Witnesses this party will call

<i>Witness</i> [name or subject]	<i>Time Required for Testimony</i>

Number of days for divorce trial

<i>Event</i>	<i>Time Required</i>
Petitioner's case	
Respondent's case	
Submissions	
Other:	

Special requirements and arrangements: [choose one]

- This party anticipates no need for special requirements or accommodations during the trial.
- This party anticipates the need for the following special requirements or accommodations during the trial:

[Describe need for administration of an oath in a manner not commonly used, video conference equipment, video equipment, use of computer by judge or jurors, interpretation, commission evidence by video conference, accommodation for a person with a disability, or other need.]

Settlement conference [choose one]

- A settlement conference is requested by this party.
- A settlement conference is **not** requested by this party.

When ready for trial

This party forecasts both parties being ready for trial by [date] , 20 .

Signature

Signed [date] , 20

Signature of party
Print name:

[or]

Signature of counsel
[name] , counsel for [name of party]

Form FD11

20

No.

Supreme Court of Nova Scotia
(Family Division)

Between: [copy standard heading]

[name]

[Applicant/Petitioner]

and

[name]

[Respondent/Co-Applicant]

Waiver of Financial Statements

Entitlement to full disclosure

The [applicant/petitioner] and the [respondent/co-applicant] understand that they are entitled to full disclosure of the other party's financial circumstance in accordance with the *Nova Scotia Civil Procedure Rules*.

Waiver

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

Signature

Signed [date] , 20

Signature of [applicant/petitioner]
Print name:

Signature of [respondent/co-applicant]
Print name:

Form FD12

20

No.

Supreme Court of Nova Scotia
(Family Division)

Between: [copy standard heading]

[name]

Applicant

and

[name]

Respondent

Affidavit Supporting an Uncontested Divorce (Application)

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

- 1 I am [name] the applicant in this proceeding.
- 2 I filed an application for divorce by agreement on [date] , 20 , and this affidavit provides the required supporting evidence.
- 3 I have personal knowledge of the evidence [sworn to/affirmed] in this affidavit except where otherwise stated to be based on information or belief.
- 4 I state, in this affidavit, the source of any information that is not based on my own personal knowledge, and I state my belief of the source.

Application, jurisdiction, and details of marriage

- 5a I confirm that all the information contained in the divorce application is true and accurate to the best of my knowledge [except for the following corrections or changes: provide details] and that [name] lives in [community] , and [name] lives in [community] .
- 5b The [applicant/respondent] [name] was habitually resident in Nova Scotia for at least one year before the day this application was signed and, in particular since [date] .
- 5c The following are the details of the marriage:
 - Date of marriage:
 - Place of marriage:

- Surnames and given names on the day before marriage
Applicant:
Respondent:
- Gender on the day before marriage
Applicant: male female another gender
Co-applicant: male female another gender
- Marital status when married
Applicant: never married/single divorced
Respondent: never married/single divorced
- Place and date of birth
Applicant:
Respondent:

Financial statements

- 6 The financial statements filed remain true and accurate, to the best of my knowledge [except for the following corrections or changes: provide details] .

Reconciliation

- 7 There is no possibility of reconciliation between the respondent and me.

Ground

- 8 I am seeking a divorce from the respondent on the ground that our marriage has permanently broken down and, in particular, that the respondent and I were living separate and apart since [date] . We were living separate and apart at the commencement of the proceeding and have lived separate and apart for at least one year immediately preceding the determination of the divorce proceeding.

[or]

- 8 I am seeking a divorce from the respondent on the ground that our marriage has permanently broken down and, in particular, that the respondent has treated me with [*mental/physical*] cruelty of such a kind as to render intolerable our continued cohabitation. [Provide facts in support here.] There was no condonation or connivance by me of the conduct which is the basis of that cruelty.

[or]

8 I am seeking a divorce from the respondent on the ground that our marriage has permanently broken down and, in particular, that the respondent has committed adultery by having sexual intercourse with another person during the marriage. [Provide facts in support here, and refer to the affidavit, or certified transcript of the examination for discovery, of the admission of the respondent’s adultery.] There was no condonation or connivance by me of the adultery.

Collusion

9 There was no collusion in relation to these proceedings.

Written agreement or previous court order

10 Attached is a true copy of [the written agreement between the respondent and me dated _____, 20____, /a true copy of the court order dated _____, 20____, /describe combination of written agreement and court order addressing corollary relief] in settlement of all corollary matters.

Children

11 There are no children of the marriage as described in the *Divorce Act*.

[or]

11a The full names and birth dates of the children are: [provide details]

11b [Set out in general terms the decision-making responsibility, parenting time and parenting arrangements in the agreement.]

11c There are, and there were, no other proceedings or circumstances between the parties or affecting the well-being or safety of the [children/parties] .

[or]

11c There are, or there were, other proceedings or circumstances between the parties or affecting the well-being or safety of the [children/parties] , the details of which are set out in the following table:

Type of proceeding(s) & court file number	[provide court file number & describe the type of proceeding, for instance, civil, protection, criminal or other]
Order(s) or other measure	[describe any relevant order, including an order to protect a person’s safety, recognizance or undertaking, peace bond, condition, etc.]
Circumstance(s)	[describe]

- 11d [Set out in general terms the child support provisions of the agreement, as well as the present employment and annual incomes of the parties. If child support is not to be paid or if the amount differs significantly from the *Guidelines*, explain why.]
- 11e [Refer to any benefits being retained or provided for the children, including medical, dental and drug plan coverage, life insurance, etc.]
- 11f [Explain the basis upon which the parties conclude that the agreement makes reasonable arrangements for the support of the children.]
- 11g [Set out the details of any court order or request for a court order for contact, interaction or parenting arrangements with the child/children of the marriage by a person who is not a party to this proceeding, including party names and court file number.]

Spousal support

12 No spousal support will be paid by either party to the other.

[or]

12 [Set out in general terms the spousal support provisions of the agreement. If present employment and annual incomes are not provided above under "Children", provide those particulars here.]

Costs

13 I am not seeking costs.

[or]

13a I am seeking costs in the amount of [\$] .

13b [State the basis for the claim for costs and the amount.]

Request for relief

14a I request that this Honourable Court grant my application for a divorce order. I also request that the terms and conditions of [our written agreement dated , 20 / court order dated , 20 /written agreement dated , 20 and court order dated , 20] be incorporated in and form part of the corollary relief order.

14b [Set out any special relief or unusual circumstances affecting relief.]

Change of name [may delete this section if it does not apply]

15a I am seeking an order changing my name from [present full name] to [full name, including middle name(s)] .

15b Prior to my marriage to the respondent, my name was [pre-marriage name] . My name at birth was [name] and I was born on [date] [provide particulars for example, full name on birth certificate, including middle name(s)] .

[Sworn to/Affirmed] before me)
on [date] , 20)
at [City/Town] , Nova Scotia)
)
)
)
_____)

Signature of Authority
Print name:
Official capacity:

Signature of applicant
Print name:

Form FD12A

20

No.

Supreme Court of Nova Scotia
(Family Division)

Between: [copy standard heading]

[name]

Applicant

and

[name]

Co-Applicant

Affidavit Supporting an Uncontested Divorce (Joint Application)

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

- 1 We are [name] and [name], the applicants in this proceeding.
- 2 We filed a joint application for divorce on [date], 20 , and this affidavit provides the required supporting evidence.
- 3 We have personal knowledge of the evidence [sworn to/affirmed] in this affidavit except where otherwise stated to be based on information or belief.
- 4 We state, in this affidavit, the source of any information that is not based on our own personal knowledge, and we state our belief of the source.

Application, jurisdiction, and details of marriage

- 5a We confirm that all the information contained in the divorce application is true and accurate to the best of our knowledge and that [name] lives in [address], and [name] lives in [address].
- 5b The applicant [name] was habitually resident in Nova Scotia for at least one year before the day this application was signed and, in particular since [date].
- 5c The following are the details of the marriage:
 - Date of marriage:
 - Place of marriage:

- Surnames and given names on the day before marriage
Applicant:
Co-applicant:
- Gender on the day before marriage
Applicant: male female another gender
Co-applicant: male female another gender
- Marital status when married
Applicant: single divorced
Co-applicant: single divorced
- Place and date of birth
Applicant:
Co-applicant:

Financial statements

- 6 The financial statements filed remain true and accurate, to the best of our knowledge [except for the following corrections or changes: provide details] .

Reconciliation

- 7 There is no possibility of reconciliation between the applicant and co-applicant.

Ground

- 8 We are seeking a divorce on the ground that our marriage has permanently broken down and, in particular, that the co-applicant and I were living separate and apart since [date] . We were living separate and apart at the commencement of the proceeding and have lived separate and apart for at least one year immediately preceding the determination of the divorce proceeding.

Collusion

- 9 There was no collusion in relation to these proceedings.

Written agreement or previous court order

- 10 Attached is a true copy of [*the written agreement between the co-applicant and me dated* , 20 ,/*a true copy of the court order dated* , 20 ,/describe combination of written agreement and court order addressing corollary relief] in settlement of all corollary matters.

Children

11 There are no children of the marriage as described in the *Divorce Act*.

[or]

[If these paragraphs are used, renumber them and the paragraphs that follow in sequence.]

11a The full names and birth dates of the children are: [provide details] .

11b [Set out in general terms the decision-making responsibility, parenting time, and parenting arrangements in the agreement.]

11c There are, and there were, no other proceedings or circumstances between the parties or affecting the well-being or safety of the [children/parties] .

[or]

11c There are, or there were, other proceedings or circumstances between the parties or affecting the well-being or safety of the [children/parties,] the details of which are set out the following table:

Type of proceeding(s) & court file number	[provide court file number & describe the type of proceeding, for instance, civil, protection, criminal or other]
Order(s) or other measure	[describe any relevant order, including an order to protect a person's safety, recognizance or undertaking, peace bond, condition, etc.]
Circumstance(s)	[describe]

11d [Set out in general terms the child support provisions of the agreement, as well as the present employment and annual incomes of the parties. If child support is not to be paid or if the amount differs significantly from the *Guidelines*, explain why.]

11e [Refer to any benefits being retained or provided for the children, including medical, dental and drug plan coverage, life insurance, etc.]

11f [Explain the basis upon which the applicants conclude that the agreement makes reasonable arrangements for the support of the children.]

11g [Set out the details of any court order or request for a court order for contact, interaction or parenting arrangements with the child/children of the marriage by a person who is not a party to this proceeding, including party names and court file number.]

Spousal support

12 No spousal support will be paid by either party to the other.

[or]

12 [Set out in general terms the spousal support provisions of the agreement. If present employment and annual incomes are not provided above under "Children", provide those particulars here.]

Costs

13 We are not seeking costs.

[or]

[If these paragraphs are used, renumber them and the paragraphs that follow in sequence.]

13a I am seeking costs in the amount of [\$] .

13b [State the basis for the claim for costs and the amount.]

Request for relief

14 We request that this Honourable Court grant our application for a divorce order. We also request that the terms and conditions of [our written agreement dated , 20 /court order dated , 20 /written agreement dated , 20 and court order dated , 20] be incorporated in and form part of the corollary relief order.

15 [Set out any special relief or unusual circumstances affecting relief, if applicable, and renumber any remaining paragraphs as required.]

Change of name [may delete this section if it does not apply]

16 I am seeking an order changing my name from [present full name] to [full name, including middle name(s)] .

17 Prior to my marriage to the [applicant/co-applicant] , my name was [pre-marriage name] . My name at birth was [name] , and I was born on [date] .
[Provide particulars for example, full name on birth certificate, including middle name(s).]

[Sworn to/Affirmed] before me)
on [date] , 20)
at [City/Town] , Nova Scotia)

)
)
)
)

Signature of Authority
Print name:
Official capacity:

Signature of applicant

[Sworn to/Affirmed] before me)
on [date] , 20)
at [City/Town] , Nova Scotia)

)
)
)
)

Signature of Authority
Print name:
Official capacity:

Signature of co-applicant

Form FD12B

20

No.

Supreme Court of Nova Scotia
(Family Division)

Between: [copy standard heading]

[name]

Petitioner

and

[name]

Respondent

Affidavit Supporting an Uncontested Divorce (Petition)

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

- 1 I am [name] the petitioner in this proceeding.
- 2 I filed an uncontested motion for divorce on [date] , 20 , and this affidavit provides the required supporting evidence.
- 3 I have personal knowledge of the evidence [sworn to/affirmed] in this affidavit except where otherwise stated to be based on information or belief.
- 4 I state, in this affidavit, the source of any information that is not based on my own personal knowledge, and I state my belief of the source.

Petition

- 5 I confirm that all the information contained in the petition for divorce continues to remain true and accurate to the best of my knowledge [except for the following corrections or changes: provide details] .

Financial statements

- 6 The financial statements filed remain true and accurate, to the best of my knowledge [except for the following corrections or changes: provide details] .

Reconciliation

7 There is no possibility of reconciliation between the respondent and me.

Ground

8 I am seeking a divorce from the respondent on the ground that our marriage has permanently broken down and, in particular, that the respondent and I were living separate and apart since [date] . We were living separate and apart at the commencement of the proceeding and have lived separate and apart for at least one year immediately preceding the determination of the divorce proceeding.

[or]

8 I am seeking a divorce from the respondent on the ground that our marriage has permanently broken down and, in particular, that the respondent has treated me with [*mental/physical*] cruelty of such a kind as to render intolerable our continued cohabitation. [Provide facts in support here.] There was no condonation or connivance by me of the conduct which is the basis of that cruelty.

[or]

8 I am seeking a divorce from the respondent on the ground that our marriage has permanently broken down and, in particular, that the respondent has committed adultery by having sexual intercourse with another person during the marriage. [Provide facts in support here, and refer to the affidavit, or certified transcript of the examination for discovery, of the admission of the respondent’s adultery.] There was no condonation or connivance by me of the adultery.

Collusion

9 There was no collusion in relation to these proceedings.

Written agreement or previous court order

10 Attached is a true copy of [*the written agreement between the respondent and me dated* , 20 ,/*a true copy of the court order dated* , 20 ,/*describe combination of written agreement and court order addressing corollary relief*] in settlement of all corollary matters.

Children

11 There are no children of the marriage as described in the *Divorce Act*.

[or]

[If these paragraphs are used, renumber them and the paragraphs that follow in sequence.]

- 11a The full names and birth dates of the children are: [provide details] .
- 11b [Set out in general terms the decision-making responsibility, parenting time and parenting arrangements in the agreement.]
- 11c [Set out in general terms the child support provisions of the agreement, as well as the present employment and annual incomes of the parties. If child support is not to be paid or if the amount differs significantly from the *Guidelines*, explain why.]
- 11d [Refer to any benefits being retained or provided for the children, including medical, dental and drug plan coverage, life insurance, etc.]
- 11e [Explain the basis upon which the petitioner concludes that the agreement makes reasonable arrangements for the support of the children.]
- 11f [Set out the details of any court order or request for a court order for contact, interaction or parenting arrangements with the child/children of the marriage by a person who is not a party to this proceeding, including party names and court file number.]

Spousal Support

12 No spousal support will be paid by either party to the other.

[or]

12 [Set out in general terms the spousal support provisions of the agreement. If present employment and annual incomes are not provided above under "Children", provide those particulars here.]

Costs

13 I am not seeking costs.

[or]

[If these paragraphs are used, renumber them and the paragraphs that follow in sequence.]

13a I am seeking costs in the amount of [\$] .

13b [State the basis for the claim for costs and the amount.]

Request for relief

- 14 I request that this Honourable Court grant my application for a divorce order. I also request that the terms and conditions of [our written agreement dated _____, 20 /court order dated _____, 20 /written agreement dated _____, 20 and court order dated _____, 20] be incorporated in and form part of the corollary relief order.
- 15 [Set out any special relief or unusual circumstances affecting relief, if applicable, and renumber any remaining paragraphs as required.]

Change of name [may delete this section if it does not apply]

- 16 I am seeking an order changing my name from [present full name] to [full name, including middle names(s)] .
- 17 Prior to my marriage to the respondent, my name was [pre-marriage name] . My name at birth was [name] and I was born on [date] .
[Provide particulars, for example, full name on birth certificate, including middle name(s).]

[Sworn to/Affirmed] before me)
 on, [date] , 20)
 at [City/Town] , Nova Scotia)
)
)
)

 Signature of Authority
 Print name:
 Official capacity:

 Signature of
 Print name:

Form FD13

20

No.

Supreme Court of Nova Scotia
(Family Division)

Between: [copy standard heading]

[name]

Applicant/Petitioner

and

[name]

Respondent

Notice of Motion for Interim Relief (Family Proceeding)

To: [name of respondent]

Motion

_____ [name] , the _____
in this proceeding, moves for an order for the following relief:

- interim decision-making responsibility/custody;
- interim parenting time, contact time or interaction;
- leave to apply;
- interim child support;
- interim spousal support;
- interim exclusive occupation or possession of residence or matrimonial home;
- other interim relief, specifically _____

_____.

Time and place [to be completed by court staff]

The motion is to be heard by a judge on [date] _____, 20 ____ at _____ [a.m./p.m.]
at the courthouse located at: _____

_____.

The party making the motion requests the motion for hearing for _____.
The party making the motion says that the motion will not require more time.

References

The party making the motion relies on the following legislation, Rules, or points of law:

- the *Divorce Act*, section(s) _____;
- the *Parenting and Support Act*, section(s) _____;
- the *Matrimonial Property Act*, section(s) _____;
- interim spousal support or spousal maintenance;
- other: _____.

Evidence and documents

The evidence in support of the motion is as follows:

- affidavit of _____;
- other affidavits, specifically: _____.

The applicant also relies on the following documents in support of the motion:

- parenting statement;
- statement of contact time and interaction;
- statement of income;
- statement of special or extraordinary expenses;
- statement of undue hardship circumstances;
- statement of expenses;
- statement of property;
- pre-hearing brief.

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

Possible order against you

You may file an affidavit and a brief, attend the hearing of the motion, and state your position on whether the proposed order should be made. If you do not attend, the judge may grant an order without further notice to you.

Signature

Signed on [date] , 20

 Signature
 Print name:

Form FD14

20

No.

Supreme Court of Nova Scotia
(Family Division)

Between: [copy standard heading]

[name]

Applicant/Petitioner

and

[name]

Respondent

Ex Parte Motion (Family Proceeding)

Motion

_____ [name] , the [applicant/petitioner/respondent] in this proceeding, moves for an order for the following relief [describe relief or order sought; you may use wording from the list in Notice of Motion for Interim Relief (Family Proceedings)] :

References

The applying party relies on the following legislation, Rules, or points of law [give specific legislation or rule, including section number(s), or other legal authority for relief sought; you may use wording from the list in Notice of Motion for Interim Relief (Family Proceedings)] :

Reason motion is *ex parte*

This motion is made without notice to any other person because [give specifics] :

Evidence and documents

The evidence in support of the motion is as follows:

- affidavit of _____;
- other affidavits, specifically: _____.

The applicant also relies on the following documents in support of the motion:

- parenting statement;
- statement of income;
- statement of special or extraordinary expenses;
- statement of undue hardship circumstances;
- statement of expenses;
- statement of property;
- pre-hearing brief.

Time and place [to be completed by court staff]

The party making this motion will appear before the judge on [date] _____, 20
at _____ [a.m./p.m.] at the courthouse located at: _____
_____.

Signature

Signed on [date] , 20

Signature
Print name:

Form FDO1

20

No.

Supreme Court of Nova Scotia
(Family Division)

Between: [copy standard heading]

[name]

Applicant/Petitioner

and

[name]

Respondent

Interim Order for Child Support

Before [the Honourable Justice/Court Officer name or blank] :

A motion was made on [date] , 20 , by [name of moving party] , for an interim order for child support at the table amount under the *Child Support Guidelines* [describe the circumstances of motion];

The parties have [number of *child/children*] : [Provide full name of each child and birth date.]

The [name of other party] is found to have an annual income of \$ [amount] based upon [set out basis upon which total annual income is determined] for the purpose of determining the table amount of child support;

The motion of [name of moving party] was determined after [*hearing from both parties/ hearing from*] [name of moving party] only with [name of other party] [*failing to appear/ describe circumstances*] ;

[*And upon the Court Officer being satisfied that it would be appropriate to grant an Order in accordance with Civil Procedure Rule 59.33;*]

On motion of [name of moving party, parties, or counsel] : the following is ordered under [*section 15.1 of the Divorce Act/section 9 of the Parenting and Support Act*] .

Payment of child support

1 [name of other party] shall pay child support to [name of moving party] pursuant to the *Child Support Guidelines* and in accordance with the Nova Scotia table, the amount of \$ [amount] per month, payable on the first day of each month, and commencing [date] , 20 .

Method of payment

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

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

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

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

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

Issued [date] , 20 .

Court Officer

[Add the following when the order is made by a court officer.]
[Note that when an order is made by a court officer, the *Civil Procedure Rules* permit you to make a motion to the court officer to terminate or change the order, or appeal the order to a judge. The motion must be made or the appeal started, no more than ten days after a copy of the order is delivered to you.]

Form FDO4

20

No.

Supreme Court of Nova Scotia
(Family Division)

Between: [copy standard heading]

[name]

Petitioner/Applicant

and

[name]

Respondent

Order (Family Proceeding)

[may add words to distinguish from other orders
or to identify a consent order]

Before the Honourable Justice [name or blank]

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

Proof of service of the notice was established and the [application/application and response] ,
and the evidence presented by [affidavit/testimony/affidavit and testimony] , were considered.

[add if there are children]

The parties have the following [child/children] :

Name of Child

Date of Birth

[add if applicable]

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

Name of Child

Date of Birth

[add if child support is to be paid]

[name of party paying child support] is found to have an annual income of \$ [amount] [add if
child support includes special or extraordinary expenses]

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

[or]

[replace the two income clauses with the following, if applicable]

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

[add if there is a court order for contact time with the child/children]

Contact time/interaction arrangements involving the [child/children] of the marriage were granted pursuant to the [Divorce Act/Parenting and Support Act] by court order dated [date issued] bearing the court file number [insert #] .

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

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

[delete paragraphs 1 to 6 if there are no children]

Custody

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

<i>Name of Child</i>	<i>Date of Birth</i>

Parenting time

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

[or]

2 [name] has primary care and residence for the [child/children] , and [name] will have reasonable parenting time with the [child/children] on reasonable notice to [name] or at times agreed to by the parties.

[or]

2 The parties will share parenting time with the [child/children] , such that each parent cares for the [child/children] for a minimum of 40% of the time over the course of a year, according to following schedule and the following terms: [provide details]

Child support payments

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

[add if an amount for special or extraordinary expenses is to be paid]

3b In addition to the table amount, [name] must pay child support to [name] in the amount of \$ [amount] each month for their share of the following special or extraordinary [expense/expenses] :

[use the following list for each child's expense or create a chart providing this information]

Child's name:

Description of expense:

Total monthly net expense: \$

Monthly amount to be paid: \$

Percentage: %

3c In total, [name] must pay child support to [name] in the amount of \$ [amount] each month, consisting of the table amount of \$ [amount] per month, plus special or extraordinary expenses of \$ [amount] per month.

When child support payments are due

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

[or]

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

Child support through health plan

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

[or]

[set out specific terms]

Ongoing disclosure for child support

6 No later than June 1 of each year, [name both parties] must provide [name each other] with a copy of their income tax return, completed and with all attachments, even if the return is not filed with the Canada Revenue Agency, and also provide each other

with all notices of assessment from the Canada Revenue Agency, immediately after they are received. If non-taxable or unreported income is earned or received, [name] must provide [name] with supporting documents to show all non-taxable and unreported income earned for the prior income tax year.

Spousal support

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

[or]

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

When spousal support payments are due

[delete if neither party is to pay spousal support]

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

[or]

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

Director of Maintenance Enforcement

[delete if neither party is to pay support]

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

9b The payments must be sent by [name of party paying support] to the Office of the Director of Maintenance Enforcement, P.O. Box 803, Halifax, Nova Scotia, B3J 2V2, while the order is filed for enforcement with the Director.

9c A court officer must send a copy of this order, under section 9 of the *Maintenance Enforcement Act*, and the current designated addresses of the parties, to the Office of the Director of Maintenance Enforcement.

9d Both parties must advise the Office of the Director of Maintenance Enforcement of any change to their address, within ten (10) days of the date of the change, under section 42(1) of the *Maintenance Enforcement Act*.

9e [name of party paying support] must advise the Office of the Director of Maintenance Enforcement of any change in location, address and place of employment, including the

start or end of employment, within ten (10) days of the date of the change, under section 42(2) of the *Maintenance Enforcement Act*.

Enforcement

- 10a A requirement to pay money under this order, that is not enforced under the *Maintenance Enforcement Act*, may be enforced by execution order, or periodic execution order.
- 10b The sheriff must do such things as are necessary to enforce this order and, to do so, may exercise any power of a sheriff permitted in a recovery order or an execution order.
- 10c All constables and peace officers are to do all such acts as may be necessary to enforce the terms of this order and they have full power and authority to enter upon any lands and premises to enforce this order.

Issued [date] , 20 .

Court Officer

Form FDO5

20

No.

Supreme Court of Nova Scotia
(Family Division)

Between: [copy standard heading]

[name]

Applicant/Petitioner

and

[name]

Respondent

Order for Paternity Testing

Before [the Honourable Justice/Court Officer name or blank] :

A motion was made on [date] , 20 , by [name of moving party] , for an order for a paternity test. [Describe the circumstances of motion and conciliation as applicable.]

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

On the motion of [name of moving party] , the following is ordered:

Testing

1 The mother, [name] , possible father, [name] , and the dependent child, [name and birthdate] , shall submit to one or more blood grouping tests or DNA profile comparison tests to be made by a duly-qualified medical practitioner or other qualified person, to determine whether or not the possible father can be excluded as being the father of the child.

Responsibility for arrangements and costs

2 The [mother/possible father] , [name] is responsible for all arrangements and all costs associated with the testing, including costs incurred by the other party and the dependent child, [name and birthdate] .

[or]

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

[or]

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

Return to conciliation meeting

- 3 The parties shall return to the courthouse at _____, [Street/Avenue] , Nova Scotia to attend a conciliation meeting with a court officer [name] , at [a.m./p.m.] on [date] , 20 .

Issued [date] , 20 .

Court Officer

[Add the following when the order is made by a court officer.]

[Note that when an order is made by a court officer, the Civil Procedure Rules permit you to make a motion to the court officer to terminate or change the order, or appeal the order to a judge. The motion must be made or the appeal started, no more than ten days after a copy of the order is delivered to you.]

Form FDO6

20

No.

Supreme Court of Nova Scotia
(Family Division)

Between: [copy standard heading]

[name]

Applicant/Petitioner

and

[name]

Respondent

Order for an Assessment Report

Before the Honourable Justice [name or blank]

Proof of sufficient grounds to grant the preparation of an assessment report were established.

The parties have [a dependent child/dependent children] born of their relationship who [is/are] :

Name

Birth Date

For the purposes of determining the cost to the parties for the preparation of the assessment report, [name of applicant] is found to have a gross annual income of approximately \$ [amount] and [name of respondent] is found to have a gross annual income of approximately \$ [amount] .

On motion of [name of moving party, parties, or counsel] the following is ordered:

Preparation of report

[Select the applicable request]

- 1 A [decision-making responsibility/custody, parenting time and interaction/parenting time and interaction/parental capacity/(when required add including psychological testing/voice of the child)] assessment shall be prepared by an assessor selected from the approved Supreme Court (Family Division) list of assessors and agreed upon by the parties or, in the event that the parties are unable to agree, as selected by the court.

2 The assessor is to conduct the assessment and provide an opinion about [Sample wording below – the assessor must know what you expect to receive.]

Decision-making responsibility/custody, parenting time and interaction

What may be an appropriate decision-making responsibility/custody, parenting time and interaction arrangement for the [child/children] commenting upon any needed conditions or restrictions attached to recommendations made.

Parenting time and interaction

The appropriate parenting time and interaction, if any, to be exercised by [name] with the [child/children] commenting upon whether any conditions or restrictions should be placed upon [name] while [he/she] has the [child/children] in [his/her] care.

Parental capacity

What may be an appropriate decision-making responsibility/custody, parenting time and interaction arrangement for the [child/children] commenting upon [name(s)] parenting capacity and upon any needed conditions or restrictions attached to recommendations made.

Voice of the child

The [child's/children's] observations, viewpoint, and life experiences with each parent including the [child's/children's] preferences if they wish to express a preference about anything relevant to the present or future parenting arrangements.

The ability and maturity of each child to arrive at and express [his/her] viewpoint and preferences.

The independence of the children's viewpoint and preferences as expressed.

Responsibilities

Notwithstanding *Civil Procedure Rule 70.32*, the assessor shall, for the purpose of completing the assessment, have access to the file maintained by the Court in this proceeding.

Both parties shall co-operate in the assessment and do whatever is reasonably necessary to facilitate the completion of the assessment including making themselves and the children available to meet with the assessor when requested to do so.

Both parties shall inform (named collaterals) that they have consent of the parents to provide the assessor all information requested by the assessor.

The assessor shall file the assessment report with this Court upon its completion and shall make copies available to each of the parties unless the assessor is concerned about the impact this report may have in which case the concern is to be provided in a separate letter to the Court and it will decide how and when to release the report to that parent or counsel for each of the parties.

Cost of report

3 The cost of this report shall be as prescribed by the *Costs and Fees Act* and the appropriate contribution of each party shall be determined by a separate order of this court.

[or]

[Use the following clause if the court orders that the report be prepared at the expense of the Department of Justice.]

3 The Assessment shall be prepared at the expense of the Nova Scotia Department of Justice in accordance with the *Costs and Fees Act*.

Issued [date] , 20

Court Officer