

Supreme Court of Nova Scotia
(Family Division)

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

[full name, including middle name(s)]

Applicant

and

[full name, including middle name(s)]

Respondent

Notice of Application

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

The applicant requests an order

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

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

The applicant is applying for an order for the following: [Read the instructions in each part below. Complete as applicable to your case.]

<p>PART I: <input type="checkbox"/> relief under the <i>Parenting and Support Act</i> (This part will generally apply to you if you are <i>not</i> divorced from or divorcing the other party and you are seeking any relief set out in the boxes below. To complete this part, check this box and all relevant boxes below.)</p>	
<p>Parenting</p>	<p>Contact</p>
<p><input type="checkbox"/> custody and parenting arrangements (s. 18)</p> <p style="padding-left: 20px;"><input type="checkbox"/> leave to apply by person who is not a parent or guardian</p> <p><input type="checkbox"/> parenting time (s. 18)</p> <p style="padding-left: 20px;"><input type="checkbox"/> primary care (time in excess of 60%)</p> <p style="padding-left: 20px;"><input type="checkbox"/> shared parenting (time between 40-60%)</p> <p style="padding-left: 20px;"><input type="checkbox"/> other</p> <p style="padding-left: 20px;"><input type="checkbox"/> leave to apply by person who is not a parent/guardian</p> <p><input type="checkbox"/> paternity testing (s. 27)</p>	<p><input type="checkbox"/> grandparent contact time (s. 18)</p> <p><input type="checkbox"/> grandparent interaction (s. 18)</p> <p><input type="checkbox"/> contact time (s. 18)</p> <p style="padding-left: 20px;"><input type="checkbox"/> leave to apply by person who is not a parent, grandparent or guardian (s. 18)</p> <p><input type="checkbox"/> interaction (s. 18)</p> <p style="padding-left: 20px;"><input type="checkbox"/> leave to apply by person who is not a parent, grandparent or guardian (s. 18)</p>

Support	
<input type="checkbox"/> child support involving (must choose one) <ul style="list-style-type: none"> <input type="checkbox"/> married parents/guardians (s. 9) <input type="checkbox"/> unmarried parents/finding of paternity (s. 11) 	
<input type="checkbox"/> child support details (must complete) <ul style="list-style-type: none"> <input type="checkbox"/> payable from (date) _____ forward <input type="checkbox"/> table amount <input type="checkbox"/> special or extraordinary expenses <input type="checkbox"/> administrative recalculation <i>(Administrative Recalculation of Child Support Regulations, s.8)</i> <input type="checkbox"/> medical insurance (s. 9 or 11) 	
<input type="checkbox"/> spousal support (s. 3) <ul style="list-style-type: none"> <input type="checkbox"/> payable from (date) _____ forward 	
Relocation	Other
<input type="checkbox"/> determining or waiving notice for relocation (s.18F) <input type="checkbox"/> relocation of a child (s.18G) <ul style="list-style-type: none"> <input type="checkbox"/> authorizing <input type="checkbox"/> preventing <input type="checkbox"/> relocation of a parent (s.18G)	<input type="checkbox"/> exclusive occupation of residence (s. 7) <input type="checkbox"/> registering an agreement or parenting plan (s. 52) <input type="checkbox"/> addressing denial of time or interaction with a child (s.40) <input type="checkbox"/> addressing failure to exercise time or interaction with a child (s.40A) <input type="checkbox"/> requiring the respondent's appearance to explain failure to comply with an order (s.41)

PART II: <input type="checkbox"/> relief under the <i>Maintenance Enforcement Act</i> (This part may apply if there is a dispute about the amount of child support owing or paid during a period of time <i>before</i> the date this application was filed. To complete this part, check this box and all relevant boxes below.)	
<input type="checkbox"/> enforcing arrears incurred before the support order was filed with the Maintenance Enforcement Program and after receiving the Director's written confirmation of (date) _____ stating that those arrears will not be enforced (s. 15)	<input type="checkbox"/> addressing a dispute between the parties about the amount of arrears (s. 15)

PART III: **relief under the *Divorce Act* – for non-spouses**

(To complete this part, check this box and relevant boxes below.)

NOTE: If you want to change a court order made under the *Divorce Act*, do **not** use this form. You **must** complete the Notice of Variation Application Form (Form FD 59.12) instead of this form.

contact arrangements and leave to apply by a person who is *not* a divorcing spouse (s. 16.5 & 16.5(3)) (e.g. grandparent, or someone else important to the child)

contact time

interaction

parenting arrangements and leave to apply by a person who is *not* a divorcing spouse but who is a parent, stands in the place of a parent, or intends to stand in the place of a parent (s. 16.1 & 16.1(3)) (e.g. grandparent or someone else who is like a parent to a child, or who wants to be)

parenting time

decision-making responsibility

other [give specifics, including relevant section number(s)] _____

PART IV: **Other** (This part may apply to you if the relief you are seeking is not listed above.

Examples: relief under the *Vital Statistics Act*, *Change of Name Act*, unjust enrichment/constructive trust, or other authority. To complete this part, please check this box and complete the portion below.)

costs

other [give specifics, including legislation or other legal authority for relief sought] _____

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

Other relevant proceedings and orders

The applicant confirms that: [may delete the one that does not apply]

There are, and there were, *no* other proceedings between the parties, or proceedings/ circumstances affecting the well-being or safety of the children/parties;

OR

There are, or there were, other proceedings between the parties, or proceedings/circumstances affecting the well-being or safety of the children/parties, details of which are as follows: [complete the sections below for each proceeding]

Type of proceeding(s) & court file number: [describe each, for instance civil, protection, criminal or other proceeding] _____

Order(s) or other measure: [describe, such as an order to protect a person's safety, recognizance or undertaking, peace bond, condition, etc.] _____

Circumstance(s): [describe] _____

Documents in support of application

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

- 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
 - affidavit of [name] _____
 - other affidavits and documents [give specifics] _____
-

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

Response to Application

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

Required to file documents

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

Possible order against you

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

Filing and delivering documents

Any documents you file with the court must be filed at the courthouse at [Street/Avenue], , Nova Scotia (telephone #).

The *Nova Scotia Civil Procedure Rules* require that whenever you file a document you must immediately deliver a copy of it to the applicant, or respondent, and 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 or a court officer directs it is not required.

Designated address for service

The applicant designates the following address for delivery of documents:

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

Signature & certificate of applicant

By signing below, I confirm that this is my application and certify that I am aware of my duties, including:

1. I must exercise any decision-making responsibility or parenting time allotted to me, or contact time under a contact order, in a manner that is consistent with the best interests of the child/children;
2. To the best of my ability, I must protect the child/children from conflict arising from this proceeding;
3. To the extent that it is appropriate to do so, I must try to resolve the issues in this proceeding through a family dispute resolution process;
4. I must provide complete, accurate and up-to-date information as required under law, as part of this proceeding and under a Court Order; and,
5. If I am subject to an order, I must follow and comply with the order until it is no longer in effect.

Signed , 20

Signature of applicant
 Print name:

[complete additional signature if more than one applicant]

Signed on _____, 20____

Signature of applicant
Name:

Counsel's certificate [delete if not represented by counsel]

I, counsel for the applicant, certify that I have complied with the requirements of section 7.7 of the *Divorce Act*/section 54C(2) of the *Parenting and Support Act*.

Signature of counsel

Court officer's certificate

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

Court Officer

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

Supreme Court of Nova Scotia
(Family Division)

Between: [copy standard heading]

[full name, including middle name(s)]

Applicant

and

[full name, including middle name(s)]

Respondent

Response to Application

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

The respondent requests an order

The respondent, [name of party], is applying for an order which would affect the following children: [may delete if there are no children affected]

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

The applicant is applying for an order for the following: [Read the instructions in each part below. Complete as applicable to your case.]

<p>PART I: <input type="checkbox"/> relief under the <i>Parenting and Support Act</i> (This part will generally apply to you if you are <i>not</i> divorced from or divorcing the other party and you are seeking any relief set out in the boxes below. To complete this part, check this box and all relevant boxes below.)</p>	
<p>Parenting</p>	<p>Contact</p>
<p><input type="checkbox"/> custody and parenting arrangements (s. 18)</p> <p style="padding-left: 20px;"><input type="checkbox"/> leave to apply by person who is not a parent or guardian</p> <p><input type="checkbox"/> parenting time (s. 18)</p> <p style="padding-left: 20px;"><input type="checkbox"/> primary care (time in excess of 60%)</p> <p style="padding-left: 20px;"><input type="checkbox"/> shared parenting (time between 40-60%)</p> <p style="padding-left: 20px;"><input type="checkbox"/> other</p> <p style="padding-left: 20px;"><input type="checkbox"/> leave to apply by person who is not a parent/guardian</p> <p><input type="checkbox"/> paternity testing (s. 27)</p>	<p><input type="checkbox"/> grandparent contact time (s. 18)</p> <p><input type="checkbox"/> grandparent interaction (s. 18)</p> <p><input type="checkbox"/> contact time (s. 18)</p> <p style="padding-left: 20px;"><input type="checkbox"/> leave to apply by person who is not a parent, grandparent or guardian (s. 18)</p> <p><input type="checkbox"/> interaction (s. 18)</p> <p style="padding-left: 20px;"><input type="checkbox"/> leave to apply by person who is not a parent, grandparent or guardian (s. 18)</p>

Support	
<input type="checkbox"/> child support involving (must choose one) <ul style="list-style-type: none"> <input type="checkbox"/> married parents/guardians (s. 9) <input type="checkbox"/> unmarried parents/finding of paternity (s. 11) <input type="checkbox"/> child support details (must complete) <ul style="list-style-type: none"> <input type="checkbox"/> payable from (date) _____ forward <input type="checkbox"/> table amount <input type="checkbox"/> special or extraordinary expenses <input type="checkbox"/> administrative recalculation <i>(Administrative Recalculation of Child Support Regulations, s.8)</i> <input type="checkbox"/> medical insurance (s. 9 or 11) 	<input type="checkbox"/> spousal support (s. 3) <ul style="list-style-type: none"> <input type="checkbox"/> payable from (date) _____ forward
Relocation	Other
<input type="checkbox"/> determining or waiving notice for relocation (s.18F) <ul style="list-style-type: none"> <input type="checkbox"/> relocation of a child (s.18G) <ul style="list-style-type: none"> <input type="checkbox"/> authorizing <input type="checkbox"/> preventing <input type="checkbox"/> relocation of a parent (s.18G) 	<input type="checkbox"/> exclusive occupation of residence (s. 7) <ul style="list-style-type: none"> <input type="checkbox"/> registering an agreement or parenting plan (s. 52) <input type="checkbox"/> addressing denial of time or interaction with a child (s.40) <input type="checkbox"/> addressing failure to exercise time or interaction with a child (s.40A) <input type="checkbox"/> requiring the respondent's appearance to explain failure to comply with an order (s.41)

PART II: <input type="checkbox"/> relief under the <i>Maintenance Enforcement Act</i> (This part may apply if there is a dispute about the amount of child support owing or paid during a period of time <i>before</i> the date this application was filed. To complete this part, check this box and all relevant boxes below.)	
<input type="checkbox"/> addressing a dispute between the parties about the amount of arrears (s. 15)	<input type="checkbox"/> enforcing arrears incurred before the support order was filed with the Maintenance Enforcement Program and after receiving the Director's written confirmation of (date) _____ stating that those arrears will not be enforced (s. 15)

PART III: relief under the *Divorce Act* – for non-spouses

(To complete this part, check this box and relevant boxes below.)

NOTE: If you want to change a court order made under the *Divorce Act*, do **not** use this form. You **must** complete the Notice of Variation Application Form (Form FD 59.12) instead of this form.

contact arrangements and leave to apply by a person who is *not* a divorcing spouse (s. 16.5 & 16.5(3)) (e.g. grandparent, or someone else important to the child)

contact time

interaction

parenting arrangements and leave to apply by a person who is *not* a divorcing spouse but who is a parent, stands in the place of a parent, or intends to stand in the place of a parent (s. 16.1 & 16.1(3)) (e.g. grandparent or someone else who is like a parent to a child, or who wants to be)

parenting time

decision-making responsibility

other [give specifics, including relevant section number(s)] _____

PART IV: Other (This part may apply to you if the relief you are seeking is not listed above.

Examples: relief under the *Vital Statistics Act*, *Change of Name Act*, unjust enrichment/constructive trust, or other authority. To complete this part, please check this box and complete the portion below.)

costs

other [give specifics, including legislation or other legal authority for relief sought] _____

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

Other relevant proceedings and orders

The respondent confirms that: [may delete the one that does not apply]

There are, and there were, *no* other proceedings between the parties, or proceedings/ circumstances affecting the well-being or safety of the children/parties;

OR

There are, or there were, other proceedings between the parties, or proceedings/circumstances affecting the well-being or safety of the children/parties, details of which are as follows: [complete the sections below for each proceeding]

Type of proceeding(s) & court file number: [describe each, for instance civil, protection, criminal or other proceeding] _____

Order(s) or other measure: [describe, such as an order to protect a person's safety, recognizance or undertaking, peace bond, condition, etc.] _____

Circumstance(s): [describe] _____

Documents in support of response

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

- parenting statement
 - statement of income
 - statement of contact time and interaction
 - statement of special or extraordinary expenses
 - statement of undue hardship circumstances
 - statement of expenses
 - statement of property
 - pre-hearing brief
 - affidavit of [name] _____
 - other affidavits and documents [give specifics] _____
-

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

Designated address for service

The respondent designates the following address for delivery of documents:

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

Signature & certificate of respondent

By signing below, I confirm that this is my response to application and certify that I am aware of my duties, including:

1. I must exercise any decision-making responsibility or parenting time allotted to me, or contact time under a contact order, in a manner that is consistent with the best interests of the child/children;
2. To the best of my ability, I must protect the child/children from conflict arising from this proceeding;

3. To the extent that it is appropriate to do so, I must try to resolve the issues in this proceeding through a family dispute resolution process;
4. I must provide complete, accurate and up-to-date information as required under law, as part of this proceeding and under a Court Order; and,
5. If I am subject to an order, I must follow and comply with the order until it is no longer in effect.

Signed _____, 20____

Signature of respondent
Print name:

[complete additional signature if more than one respondent]

Signed on _____, 20____

Signature of applicant
Name:

Counsel's certificate [delete if not applicable]

I, counsel for the applicant, certify that I have complied with the requirements of section 7.7 of the *Divorce Act*.

Signature of counsel

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

Form 59.09

20

No.

Supreme Court of Nova Scotia
(Family Division)

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

[full name, including middle name(s)]

Petitioner

and

[full name, including middle name(s)]

Respondent

Petition for Divorce

To: [name of respondent]

An action was started for divorce

The petitioner started this action to apply for a divorce and to claim other relief described later in this petition for divorce.

The action was started by filing this petition with the court on the date certified by the court officer.

Deadline for answer

To defend the action, or to make your own claim in the proceeding, you or your counsel must file an answer with the court no more than the following number of days after the day this petition for divorce is delivered to you:

- 15 days if delivery is made in Nova Scotia
- 30 days if delivery is made elsewhere in Canada
- 45 days if delivery is made anywhere else.

Judgment against you if you do not answer

The court may grant a divorce order and an order for the other relief claimed, unless you file the answer before the deadline.

No remarriage until after order and appeal period

Except when allowed by a judge in special circumstances after undertakings not to appeal are filed, a married person is not free to remarry until after a divorce is granted and the times for appeals are over, or an appeal is started but the divorce is upheld and the time for any further appeal is over. The court provides a divorce certificate only at that time.

Claims under the *Divorce Act*

The petitioner claims a divorce under section 8 of the *Divorce Act*, and the following relief under the following sections of the *Divorce Act*: [may delete any that do not apply]

- decision-making responsibility (s. 16)
- parenting time (s. 16) [choose one]
 - primary care (time in excess of 60%)
 - shared parenting (time between 40-60%)
 - other
- child support (s. 15.1)
 - administrative recalculation of child support (s. 25.1)
- spousal support (s. 15.2)
- other: [describe] .

Claims under other legislation

The petitioner claims under the following legislation for the following relief: [may delete any that do not apply]

- Matrimonial Property Act* for the following:
 - exclusive possession of matrimonial home (s. 11)
 - division of assets (s. 12)
 - other [give specifics, i.e. s. 13, s. 18] .
- Pension Benefits Act*, *Pension Benefits Division Act*, or other legislation to enable a division of pension, for a division of pension
- Change of Name Act* (s. 7) for a change of registered name
- Other: [describe] .

Ground for divorce and particulars

There was a breakdown of the marriage of the parties and in particular: [may delete any that do not apply]

- The parties were living separate and apart since [day, month, and year] , were living separate and apart at the time this action was started, and will have lived separate and apart for no less than one year when this action is determined.
- The respondent has committed adultery and there was no condonation or connivance on the part of the petitioner.
- The respondent has treated the petitioner with physical or mental cruelty of such kind as to render intolerable the continued cohabitation of the spouses, and there was no condonation or connivance on the part of the petitioner.

No reconciliation

There is no possibility of reconciliation between the parties.

No improper conduct

There was no collusion between the parties leading to this petition for divorce.

Details of the marriage

[The details of the marriage sought to be dissolved are shown on the attached marriage certificate and as set out below./It is not possible to attach a marriage certificate to this petition for divorce and the following are the details of the marriage:]

- Date of marriage:
- Place of marriage:
- Surnames and given names on the day before marriage
petitioner:
respondent:
- Surnames and given names on birth certificate
petitioner:
respondent:
- Gender on the day before marriage
petitioner: male female other
respondent: male female other
- Marital status when married
petitioner: single divorced
respondent: single divorced
- Place and date of birth
petitioner:
respondent:

Jurisdiction

The petitioner lives in [community] , and the respondent lives in [community] . [The petitioner/The respondent] was habitually resident in Nova Scotia for at least one year before the day this petition is signed and, in particular since .

Children

The following are the full names and dates of birth of the children of the marriage as defined in the *Divorce Act*:

Name	Date of Birth
------	---------------

Decision-making responsibility arrangements

Present arrangements for decision-making responsibility of the children are as follows:

Parenting time arrangements

Present arrangements for parenting time with the children are as follows:

Child support arrangements

Present arrangements for child support are as follows:

Agreements

Details of all agreements about separation, parenting, property, and support are as follows:

Other relevant proceedings and orders [may delete the one that does not apply]

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

OR

There are, or there were, other proceedings between the parties, or proceedings/circumstances affecting the well-being or safety of the children/parties, details of which are as follows: [complete the sections below for each proceeding]

Type of proceeding(s) & court file number: [describe each, for instance civil, protection, criminal or other proceeding]

Order(s) or other measure: [describe, such as an order to protect a person's safety, recognizance or undertaking, peace bond, condition, etc.]

Circumstance(s): [describe]

Documents in support

The **petitioner** files the following documents in support of the petition:

- parenting statement
- statement of income
- statement of special or extraordinary expenses
- statement of undue hardship circumstances
- statement of expenses
- statement of property
- affidavit of [name]
- other affidavits and documents [give specifics]

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

Required to file documents

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

Filing and delivering documents

Any documents you file with the court must be filed at the courthouse at _____ [Street/Avenue], _____, Nova Scotia (telephone # _____).

When you file a document you must immediately deliver a copy of it to the other party, 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.

Contact information

The petitioner designates the following address:

Documents delivered to this address are considered received by the petitioner on delivery.

Proposed place of trial

The petitioner proposes that, if you file an answer, the trial will be held in _____, Nova Scotia.

Declaration & certificate

I declare that the statements in this petition for divorce are true to the best of my personal knowledge, or information given to me that I believe to be true, and I certify that I am aware of my duties under sections 7.1 through 7.5 of the *Divorce Act* which include:

1. I must exercise any parenting time or decision-making responsibility that I have with respect to any child/children of the marriage in a manner that is consistent with the best interests of the child/children;
2. To the best of my ability, I must protect the child/children of the marriage from conflict arising from this proceeding;
3. To the extent that it is appropriate to do so, I must try to resolve the issues in this proceeding through a family dispute resolution process;
4. I must provide complete, accurate and up-to-date information as required under the *Divorce Act*, as part of this proceeding and under a Court Order; and,
5. If I am subject to an order made under the *Divorce Act*, I must follow and comply with the order until it is no longer in effect.

Signed _____, 20____

Signature of petitioner
Print name:

Counsel's certificate [delete if not represented by counsel]

I, counsel for the petitioner, certify that I have complied with the requirements of section 7.7 of the *Divorce Act*.

Signature of counsel
Print name:

Court officer's certificate

I certify that this petition for divorce was filed with the court on

, 20 .

Court Officer

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

[Attach marriage certificate.]

Supreme Court of Nova Scotia
(Family Division)

Between: [copy standard heading]

[full name, including middle name(s)]

Petitioner

and

[full name, including middle name(s)]

Respondent

Answer

To: [name of petitioner]

Contested claims, facts and allegations

The claims made in the petition for divorce are not contested, except as follows:

[There are no claims in the petition that are contested and the respondent files this answer only to make a claim./State which claims are contested.]

The facts and allegations made in the petition for divorce in support of the claim for divorce are not contested, except as follows:

[The facts and allegations in support of the claim for divorce in the petition are admitted./State which facts and allegations are contested.]

Corrections to details stated in the petition

The petition for divorce correctly provides details about the children of the marriage [./except provide corrections.]

The petition also correctly provides details of all relevant agreements, and related proceedings and orders [./except provide corrections.]

The respondent wishes to correct other statements in the petition as follows: [none./provide corrections].

Respondent's claims under *Divorce Act*

The respondent claims the following relief under the following sections of the *Divorce Act*. [may delete any that do not apply]

- divorce (s. 8)
- decision-making responsibility (s. 16)
- parenting time (s. 16) [choose one]
 - primary care (time in excess of 60%)
 - shared parenting (time between 40-60%)
 - other

- child support (s. 15.1)
 - administrative recalculation of child support (s. 25.1)
- spousal support (s. 15.2)
- other: [describe] .

Respondent's claims under other legislation

The respondent claims under the following legislation for the following relief: [may delete any that do not apply]

- Matrimonial Property Act* for the following:
 - exclusive possession of matrimonial home (s. 11)
 - division of assets (s. 12)
 - other [give specifics, i.e. s. 13, s. 18]
- Pension Benefits Act, Pension Benefits Division Act*, or other legislation, for a division of pension
- Change of Name Act* for a change of registered name
- Other: [describe] .

Ground for divorce and particulars [delete if a divorce is not claimed]

There was a breakdown of the marriage of the parties and in particular: [may delete any that do not apply]

- The parties were living separate and apart since [day, month, and year] , were living separate and apart at the time this action was started, and will have lived separate and apart for no less than one year when this action is determined.
- The petitioner has committed adultery and there was no condonation or connivance on the part of the respondent.
- The petitioner has treated the respondent with physical or mental cruelty of such kind as to render intolerable the continued cohabitation of the spouses, and there was no condonation or connivance on the part of the respondent.

No reconciliation [delete if a divorce is not claimed]

There is no possibility of reconciliation between the parties.

No improper conduct [delete if a divorce is not claimed]

There was no collusion between the parties leading to this answer.

Documents in support

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

- parenting statement
- statement of income
- statement of special or extraordinary expenses
- statement of undue hardship circumstances
- statement of expenses
- statement of property

- affidavit of [name]
- other affidavits and documents [give specifics]

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

Contact information

The respondent designates the following address:

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

Declaration & certificate

I declare that the statements in this answer are true to the best of my personal knowledge, or information given to me that I believe to be true, and I certify that I am aware of my duties under sections 7.1 through 7.5 of the *Divorce Act* which include:

1. I must exercise any parenting time or decision-making responsibility that I have with respect to any child/children of the marriage in a manner that is consistent with the best interests of the child/children;
2. To the best of my ability, I must protect the child/children of the marriage from conflict arising from this proceeding;
3. To the extent that it is appropriate to do so, I must try to resolve the issues in this proceeding through a family dispute resolution process;
4. I must provide complete, accurate and up-to-date information as required under the *Divorce Act*, as part of this proceeding and under a Court Order; and,
5. If I am subject to an order made under the *Divorce Act*, I must follow and comply with the order until it is no longer in effect.

Signed _____, 20____

Signature of respondent
Print name:

Counsel's certificate [delete if not represented by counsel]

I, counsel for the respondent, certify that I have complied with the requirements of section 7.7 of the *Divorce Act*.

Signature of counsel
Print name:

Court officer's certificate

I certify that this answer was filed with the court on

, 20 .

Court Officer

Supreme Court of Nova Scotia
(Family Division)

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

[full name, including middle name(s)]

Applicant

and

[full name, including middle name(s)]

Respondent

Notice of Variation Application

To: [name of respondent or respondents]

The applicant requests an order or orders be changed

The applicant, [name of party] , is applying to vary or change an order or orders which is permitted by the following: [may delete the one that does not apply]

- section 17 of the *Divorce Act*;
- section 37 of the *Parenting and Support Act*.

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

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

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

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

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

- parenting/contact
 - decision-making responsibility/custody
 - parenting time [choose one]
 - primary care (time in excess of 60%)
 - shared parenting (time between 40-60%)
 - other
 - relocation of the child
 - preventing authorizing
 - relocation of a parent
 - contact time or interaction
 - grandparent contact time or interaction
 - other

- child support:
 - table amount
 - special or extraordinary expenses
 - change in number of dependent children
 - retroactive variation
 - termination of child support
 - administrative recalculation of child support
 - other [give specifics] _____

- spousal support
 - retroactive variation from _____ to _____
 - termination of spousal support
 - other [give specifics]

- arrears of support [give specifics] _____

- other [give specifics] _____

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

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

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

The applicant started this variation application by filing this notice on the date certified by the court officer.

Other relevant proceedings and orders

The applicant confirms that: [may delete the one that does not apply]

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

OR

- There are, or there were, other proceedings between the parties, or proceedings/circumstances affecting the well-being or safety of the children/parties, details of which are as follows: [complete the sections below for each proceeding]

Type of proceeding(s) & court file number: [describe each, for instance civil, protection, criminal or other proceeding] _____

Order(s) or other measure: [describe, such as an order to protect a person's safety, recognizance or undertaking, peace bond, condition, etc.] _____

Circumstance(s): [describe] _____

Documents in support of application

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

- 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
- affidavit of [name of applicant] ,
which includes evidence establishing change in circumstances and
evidence supporting the effective date

- other affidavits and documents [give specifics] _____

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

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

Response to variation application

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

Required to file documents

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

Possible order against you

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

Filing and delivering documents

Any documents you file with the court must be filed at the courthouse at [Street/Avenue], _____, Nova Scotia (telephone # _____).

The *Nova Scotia Civil Procedure Rules* require that whenever you file a document you must immediately deliver a copy of it to the applicant, or respondent, and 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 or a court officer directs it is not required.

Designated address for service

The applicant designates the following address for delivery of documents:

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

Signature & certificate of applicant

By signing below, I confirm that this is my application and certify that I am aware of my duties, including:

1. I must exercise any decision-making responsibility or parenting time allotted to me, or contact time under a contact order, in a manner that is consistent with the best interests of the child/children;
2. To the best of my ability, I must protect the child/children from conflict arising from this proceeding;
3. To the extent that it is appropriate to do so, I must try to resolve the issues in this proceeding through a family dispute resolution process;
4. I must provide complete, accurate and up-to-date information as required under law, as part of this proceeding and under a Court Order; and,
5. If I am subject to an order, I must follow and comply with the order until it is no longer in effect.

Signed _____, 20

Signature of applicant
Print name:

[complete additional signature if more than one applicant]

Signed on _____, 20

Signature of applicant
Name:

Counsel's certificate [delete if not represented by counsel]

I, counsel for the applicant, certify that I have complied with the requirements of section 7.7 of the *Divorce Act*/section 54C(2) of the *Parenting and Support Act*.

Signature of counsel

Court officer's certificate

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

Court Officer

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

Supreme Court of Nova Scotia
(Family Division)

Between: [copy standard heading]

[full name, including middle names(s)] Applicant

and

[full name, including middle names(s)] Respondent

Response to Variation Application

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

The respondent requests an order or orders be varied

The respondent, [name of party] is applying to vary or change an order or orders which is permitted by the following: [may delete the one that does not apply]

- section 17 of the *Divorce Act*;
- section 37 of the *Parenting and Support Act*.

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

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

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

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

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

- parenting/contact
 - decision-making responsibility/custody
 - parenting time [choose one]
 - primary care (time in excess of 60%)
 - shared parenting (time between 40-60%)
 - other
 - relocation of the child
 - preventing authorizing
 - relocation of a parent
 - contact time or interaction
 - grandparent contact time or interaction
 - other

- child support:
 - table amount
 - special or extraordinary expenses
 - change in number of dependent children
 - retroactive variation
 - termination of child support
 - administrative recalculation of child support
 - other [give specifics] _____

- spousal support
 - retroactive variation from _____ to _____
 - termination of spousal support
 - other [give specifics]

- arrears of support [give specifics] _____

- other [give specifics] _____

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

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

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

Other relevant proceedings and orders

The respondent confirms that: [may delete the one that does not apply]

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

OR

- There are, or there were, other proceedings between the parties, or proceedings/circumstances affecting the well-being or safety of the children/parties, details of which are as follows: [complete the sections below for each proceeding]

Type of proceeding(s) & court file number: [describe each, for instance civil, protection, criminal or other proceeding] _____

Order(s) or other measure: [describe, such as an order to protect a person’s safety, recognizance or undertaking, peace bond, condition, etc.] _____

Circumstance(s): [describe] _____

Documents in support of response

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

- 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

- affidavit of [name of respondent]
which includes evidence establishing change in circumstances and
evidence supporting the effective date
- other affidavits and documents [give specifics]_____
- certified copy of each order that the applicant seeks to vary

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

Designated address for service

The respondent designates the following address for delivery of documents:

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

Signature & certificate of respondent

By signing below, I confirm that this is my response and certify that I am aware of my duties, including:

1. I must exercise any decision-making responsibility or parenting time allotted to me, or contact time under a contact order, in a manner that is consistent with the best interests of the child/children;
2. To the best of my ability, I must protect the child/children from conflict arising from this proceeding;
3. To the extent that it is appropriate to do so, I must try to resolve the issues in this proceeding through a family dispute resolution process;
4. I must provide complete, accurate and up-to-date information as required under law, as part of this proceeding and under a Court Order; and,
5. If I am subject to an order, I must follow and comply with the order until it is no longer in effect.

Signed

, 20

Signature of respondent
Print name:

[complete additional signature if more than one respondent]

Signed on _____, 20____

Signature of applicant
Name:

Counsel's certificate [delete if not represented by counsel]

I, counsel for the respondent, certify that I have complied with the requirements of section 7.7 of the *Divorce Act*/section 54C(2) of the *Parenting and Support Act*.

Signature of counsel

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

Form 59.13B

20

No.

Supreme Court of Nova Scotia
(Family Division)

Between:

[full name, including middle names(s)]

Applicant

and

[full name, including middle names(s)]

Respondent

Request to Convert

Check the box that applies to you (the respondent) and complete:

I am the respondent in this proceeding. I do not have a lawyer. I live in the following Province/Territory: _____. My contact information for this proceeding is listed in the attached Personal Representation Form. [You must complete and attach the Personal Representation Form to this Request. Documents delivered to the address in the Personal Representation Form are considered received by you on delivery].

OR

I have a lawyer representing me in this proceeding. I live in the province/territory of _____. I designate my lawyer to receive notifications at the lawyer's address and contact information below. [Documents delivered to the address below are considered received by me on delivery.]

Counsel's Name: _____

Address: _____

Phone number: _____

Fax number: _____

Email: _____

Receipt of variation application

The notice of variation application was received on _____, _____ 20 _____.

Request to convert

I request to convert the support issues (i.e. child/spousal support) in the notice of variation application into an interjurisdictional application under the *Divorce Act* (sections 18.2). I request the variation application be heard in my province.

Delivery to the applicant

I delivered a copy of this form to the applicant at the designated address on _____[date] by the following method (s):

- By mail to: _____ [insert address];
- By Fax to: _____ [insert number]; or,
- By email to: _____ [insert email address].

[You must use the Applicant’s designated address information provided in the notice of variation application.]

Signed on: _____20__

 Signature
 Print name:

Instructions for delivering this Form to the Nova Scotia Court:

You **must** file this completed Form with the Nova Scotia court within 40 days of receiving the variation application. You may file it in one of the following ways:

- By mail or courier to: [insert court address];
- By Fax to: [insert court address]; or,
- By email to: [insert court address].

Form 59.25

20

No.

Supreme Court of Nova Scotia
(Family Division)

Between: [copy standard heading]

[name]

Applicant

and

[name]

Respondent

Direction to Disclose

To: [name and address of party]

You must complete and file the following documents:

- a parenting statement, [*if you intend to make or dispute a claim for decision-making responsibility/custody, parenting time, or about parenting*] ;
- a statement of contact time and interaction, [*if you intend to make or dispute a claim for time or interaction with a child*] ;
- a sworn statement of income, including all of the following attachments:
 - (a) copies of your last two consecutive income statements (for example, pay stubs, Employment Insurance stubs, social assistance stubs) or a letter from your employer or income provider stating your gross income so far this year;
 - (b) copies of all notices of assessment from Canada Revenue Agency for [20 , 20 , and 20 , the last three years] (you can obtain copies from the Canada Revenue Agency by calling 1-800-959-8281 or going online at <https://www.canada.ca/en/revenue-agency/services/e-services/e-services-individuals/account-individuals.html>);
 - (c) copies of all income tax returns, whether filed with the Canada Revenue Agency or not, completed with all schedules, attachments, and information slips (also available from the Canada Revenue Agency), for [20 , 20 , and 20 , the last three years] ;

- (d) if you are self-employed, or a member of a partnership, or a trustee, administrator or beneficiary of a trust, or you control a corporation, you must comply with the directions in the statement of income;
 - (e) if you are unable to provide the applicable attachments listed from (a) to (d), you must provide a letter detailing why you cannot provide them.
- a sworn statement of special or extraordinary expenses, [*if you intend to make a claim for special or extraordinary expenses*] ;
 - a sworn statement of undue hardship circumstances, [*if you intend to make a claim of undue hardship*] ;
 - a sworn statement of expenses;
 - a sworn statement of property;
 - other [give specifics] .

Deadline for filing documents

[Bring these documents with you to the conciliation meeting scheduled to be held at [a.m./p.m.] on _____, 20____, at the courthouse, [Street/Avenue] _____, Nova Scotia. / Mail or deliver the documents to the court at the courthouse at [Street/Avenue] _____, Nova Scotia (telephone # _____) no later than _____, 20____.]

Copies for other parties

[Also, bring two copies of each required statement, including attachments, with you to the conciliation meeting. / Mail or deliver a copy of each statement, including attachments, to [name] at [designated address/updated address] at the same time you mail or deliver it to the court.]

Possible order against you if you fail

If you fail to disclose at the required time, a court officer or a judge may do any of the following without further notice to you:

- (1) order costs against you in an appropriate amount which is usually \$250.00;
- (2) make an interim order for child support;
- (3) dismiss an application, motion, or claim, or any part of it, or stay a proceeding started by you.

Legal Counsel

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

Issued _____, 20____

[name of court officer]

COURT OFFICER

telephone:

Supreme Court of Nova Scotia
(Family Division)

Between: [copy standard heading]

[name]

Applicant

and

[name]

Respondent

Order to Appear and Disclose

[*Before Court Officer name /The Honourable Justice name*] :

A [*direction to appear/direction to disclose/direction to appear and a direction to disclose*] [*was/were*] [*mailed to you/personally delivered to you*] on _____, 20____ ;

And you, [name] , failed to [*appear/disclose/appear and disclose*] as directed;

You must appear in court

You are ordered to come to the courthouse at _____, [Street/Avenue] _____, Nova Scotia and appear before [*a judge/a court officer*] at _____ [a.m./p.m.] on _____, 20____ .

You must bring documents

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

- a parenting statement, [*if you intend to make or dispute a claim for decision-making responsibility/custody, parenting time, or about parenting*] ;
- a statement of contact time and interaction, [*if you intend to make or dispute a claim for time or interaction with a child*] ;
- a sworn statement of income, including all of the following attachments:

- (a) copies of your last two consecutive income statements (for example, pay stubs, Employment Insurance stubs, social assistance stubs) or a letter from your employer or income provider stating your gross income so far this year;
 - (b) copies of all notices of assessment from Canada Revenue Agency for [20 , 20 , and 20 , the last three years] (you can obtain copies from the Canada Revenue Agency by calling 1-800-959-8281 or going online at <https://www.canada.ca/en/revenue-agency/services/e-services/e-services-individuals/account-individuals.html>);
 - (c) copies of all income tax returns, whether filed with the Canada Revenue Agency or not, completed with all schedules, attachments, and information slips (also available from the Canada Revenue Agency), for [20 , 20 , and 20 , the last three years] ;
 - (d) if you are self-employed, or a member of a partnership, or a trustee, administrator or beneficiary of a trust, or you control a corporation, you must comply with the directions in the statement of income;
 - (e) if you are unable to provide the applicable attachments listed from (a) to (d), you must provide a letter detailing why you cannot provide them.
- a sworn statement of special or extraordinary expenses, [*if you intend to make a claim for special or extraordinary expenses*] ;
 - a sworn statement of undue hardship circumstances, [*if you intend to make a claim of undue hardship*] ;
 - a sworn statement of expenses;
 - a sworn statement of property;
 - other [give specifics] .

Possible order against you if you fail

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

- (1) order costs against you in an appropriate amount which is usually \$250.00;
- (2) make an order directing a person, such as your employer, to disclose financial or other information about you;
- (3) dismiss an application, motion, or claim, or any part of it, or stay a proceeding

started by you;

- (4) make an interim or final order for decision-making responsibility/custody, time or interaction with a child, or about parenting;
- (5) make an interim or final order for child support;
- (6) make any other interim or final order, including an order for spousal support, division of property, division of pensions, or any other order sought;
- (7) start contempt proceedings against you for a contempt order.

Issued _____, 20____

[name of court officer]
COURT OFFICER
telephone:
fax:

[Add the following when order made by court officer]

[Note that when an order is made by a court officer, the Civil Procedure Rules permit you, or your counsel, 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 59.26B

20

No.

Supreme Court of Nova Scotia
(Family Division)

Between: [copy standard heading]

[name]

Applicant

and

[name]

Respondent

Order to Disclose

[*Before Court Officer* name /*The Honourable Justice* name] :

A direction to disclose was [mailed to you/personally delivered to you] on
, 20 ;

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

You must file documents

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

- a parenting statement, [*if you intend to make or dispute a claim for decision-making responsibility/custody, parenting time, or about parenting*] ;
- a statement of contact time and interaction, [*if you intend to make or dispute a claim for time or interaction with a child*] ;
- a sworn statement of income, including all of the following attachments:
 - (a) copies of your last two consecutive income statements (for example, pay stubs, Employment Insurance stubs, social assistance stubs) or a letter from your employer or income provider stating your gross income so far this year;
 - (b) copies of all notices of assessment from Canada Revenue Agency for [20 , 20 , and 20 , the last three years] (you can obtain copies from the Canada Revenue Agency by calling 1-800-959-8281 or going online at <https://www.canada.ca/en/revenue-agency/services/e-services/e-services->

[individuals/account-individuals.html](#));

- c) copies of all income tax returns, whether filed with the Canada Revenue Agency or not, completed with all schedules, attachments, and information slips (also available from the Canada Revenue Agency), for [20 , 20 , and 20 , the last three years] ;
 - (d) if you are self-employed, or a member of a partnership, or a trustee, administrator or beneficiary of a trust, or you control a corporation, you must comply with the directions in the statement of income;
 - (e) if you are unable to provide the applicable attachments listed from (a) to (d), you must provide a letter detailing why you cannot provide them.
- a sworn statement of special or extraordinary expenses, [*if you intend to make a claim for special or extraordinary expenses*] ;
 - a sworn statement of undue hardship circumstances, [*if you intend to make a claim for special or extraordinary expenses*] ;
 - a sworn statement of expenses;
 - a sworn statement of property;
 - other [give specifics] .

Filing documents instead of appearing in court

You may file all of the information listed above with the court no later than , 20 , to avoid the need to appear in court.

Otherwise, you are ordered to come to the courthouse at , [Street/Avenue] , Nova Scotia and appear before [a judge/a court officer] at [a.m./p.m.] on , 20 .

Possible order against you if you fail

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

- (1) order costs against you in an appropriate amount which is usually \$250.00;
- (2) make an order directing a person, such as your employer, to disclose financial or other information about you;
- (3) dismiss an application, motion, or claim, or any part of it, or stay a proceeding started by

you;

- (4) make an interim or final order for decision-making responsibility/custody, time or interaction with a child, or about parenting;
- (5) make an interim or final order for child support;
- (6) make any other interim or final order, including an order for spousal support, division of property, division of pensions, or any other order sought;
- (7) start contempt proceedings against you for a contempt order.

Issued _____, 20

[name of court officer]
COURT OFFICER
telephone:
fax:

[Add the following when order made by court officer]

[Note that when an order is made by a court officer, the Civil Procedure Rules permit you, or your counsel, 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.]

By the Respondent: [list forms and documents filed, for example
response to application filed on _____, 20__ .
parenting statement filed on _____, 20__ .
statement of income filed on _____, 20__ .]

4. Orders and Written Agreements

[list documents, for example

consent order respecting decision-making responsibility/custody and parenting
time, issued on _____, 20__ .
interim order for child support, issued on _____, 20__ .
order to disclose to [name] _____, by court officer, issued on _____, 20__ .]

5. Representation by Counsel

Applicant: [*unrepresented*/name of counsel]

Respondent: [*unrepresented*/name of counsel]

6. Subjects Never Disputed or Now Agreed

[see section 7, Issues to be Resolved]

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

- parenting arrangements/time or interaction with a child
 - decision-making responsibility/custody: to one party or joint residential parent
 - parenting arrangements
 - parenting time
 - contact time
 - interaction
 - paternity
 - relocation
 - other [detail]

- child support
 - paternity
 - determination of income
 - special or extraordinary expenses
 - undue hardship
 - shared parenting time/custody
 - child 19 or over
 - person in place of a parent
 - retroactive claim [detail]
 - other [detail]

- spousal support
 - entitlement or need
 - ability to pay
 - amount
 - other [detail]

- exclusive possession or occupation
 - matrimonial home
 - family residence
 - other [detail]

- property division
 - classification of property
 - valuation of property
 - matrimonial home
 - contribution to business asset
 - unequal division
 - other [detail]

- other property issues
 - division under applicable pension legislation
 - trust remedies or unjust enrichment
 - other [detail]

- other [detail]

8. Next Steps Taken by Court Officer or Recommended

- provide draft consent order for approval
- refer to mediation
- order to non-party to disclose information
- interim order for child support
- recommend that order for child support be varied
- schedule a [*conference/motion for directions/date assignment conference*]
- schedule a settlement conference
- recommend that a parenting assessment report be prepared
- schedule a hearing before a judge
- other [detail]

9. Accessibility requests or language-related needs:

[provide details about language, communication, or health needs that require accommodation]

Conciliation record as evidence

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

Issued _____, 20____

[name of court officer]
COURT OFFICER
telephone:
fax:

TO: [name] , Applicant or [name] , counsel for the Applicant
[Address]

[name] , Respondent or [name] , counsel for the Respondent
[Address]

Supreme Court of Nova Scotia
(Family Division)

Between: [copy standard heading]

[name]

Applicant

and

[name]

Respondent

Notice to Appear in Court

You must appear in court

You must appear in court at the courthouse at _____, [Street/Avenue] _____, Nova Scotia and appear before [a judge/ name of judge] on _____, 20____ at [a.m./p.m.] for [the hearing of a motion for give details of motion./an organizational conference./a date assignment conference./a settlement conference./the final hearing of this application./the hearing of a variation application./ the trial. give details]

[Number of hours or days have/has] been set aside for the [conference./hearing./trial.]

Legal Counsel

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

Possible order against you if you fail to appear

If you fail to appear in court at the required time, a judge may do any of the following without further notice to you:

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

- (4) make an interim or final order for decision-making responsibility/custody, time or interaction with a child, or about parenting;
- (5) make an interim or final order for child support;
- (6) make any other interim or final order, including an order for spousal support, division of property, division of pensions, or any other order sought;
- (7) require you to appear before a judge to explain your failure to comply with a court order and determine the issue including any additional order the judge deems necessary to ensure compliance, under section 41 of the *Parenting and Support Act*;
- (8) start contempt proceedings against you.

Accessibility

If you have any language, communication, or health needs that require accommodation, please contact the court at [contact information].

Issued _____, 20____

[name of court officer]
COURT OFFICER
telephone:
fax:

TO: [name] , Applicant or [name] , counsel for the Applicant
[Address]

[name] , Respondent or [name] , counsel for the Respondent
[Address]

Supreme Court of Nova Scotia
(Family Division)

Between: [copy standard heading]

[name]

Petitioner

and

[name]

Respondent

Uncontested Motion for Divorce

Motion

[*The petitioner/The respondent* under Rule 59.44(2)] moves for a divorce order.

[*The petitioner/The respondent* under Rule 59.44(2)] also moves for a corollary relief order for relief under the following legislation [delete if no corollary relief is claimed] :

- Divorce Act* for the following:
 - decision-making responsibility (s. 16)
 - parenting time (s. 16) [choose one]
 - primary care (time in excess of 60%)
 - shared parenting (time between 40-60%)
 - other
 - child support (s. 15.1)
 - administrative recalculation of child support (s. 25.1)
 - spousal support (s. 15.2)
- Matrimonial Property Act* for the following:
 - exclusive possession of matrimonial home (s. 11)
 - division of assets (s. 12)
 - other [give specifics, i.e. s. 13, s. 18] .
- Pension Benefits Act, Pension Benefits Division Act*, or other legislation to enable a division of pension, for a division of pension
- Change of Name Act* (s. 7) for a change of registered name
- Other: [describe] .

[*The petitioner/The respondent* under Rule 59.44(2)] requests that a judge determine the motion without a hearing.

Information and evidence in support

The evidence in support of the motion 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]

- sworn affidavit in support of this motion filed on _____, 20____ proving the required facts and claims
 - written agreement between the parties filed as an exhibit attached to the affidavit in support of this motion
 - affidavit proving the other party was notified of the proceeding
 - parenting statement filed on _____, 20____
 - statement of contact time and interaction filed on _____, 20____
 - statement of income filed on _____, 20____
 - statement of special or extraordinary expenses filed on _____, 20____
 - statement of undue hardship circumstances filed on _____, 20____
 - statement of expenses filed on _____, 20____
 - statement of property filed on _____, 20____
 - draft divorce order
 - draft corollary relief order
 - other required statements or documents [specify]
 - [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]*
- two stamped envelopes with the designated address of the party making this motion and two stamped envelopes with the designated address of the other party, or the ordinary address of the other party who has not designated an address

Non parties

Are there other persons *with* contact time, interaction, or parenting time with the child/children?

- Yes, details in the Affidavit.
- No

Are there other persons *looking for* contact time, interaction, or parenting time with the child/children?

- Yes, details in the Affidavit.
- No

Reason motion is ex parte [delete if responding party is notified]

[The respondent has not filed an answer although the deadline for doing so has expired./The petitioner and respondent settled all issues in this proceeding, and the written agreement is filed with this motion./The respondent filed a notice of withdrawal of answer on _____, 20____ ./The

petitioner has become disentitled to notice.]

Responding party being notified [delete if *ex parte*]

The responding party is immediately being notified of this motion by delivery of a copy of it to the address designated in that party's [Demand for Notice/Answer/Designation of Address for Delivery] .

Signature

Signed

, 20

Signature of [*the petitioner/the respondent* under Rule 59.44(2)]

Print name:

[or]

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

Form 59.45

20

No.

Supreme Court of Nova Scotia
(Family Division)

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

[full name, including middle name(s)]

Applicant

and

[full name, including middle name(s)]

Respondent

Application for Divorce by Agreement

To: [name of respondent]

The applicant requests a divorce

The applicant applies to the court for a divorce order [and a corollary relief order] consistent with the written agreement made between you and the applicant on _____, 20____, which settles all issues concerning the dissolution of the parties' marriage and corollary relief.

Accordingly, the applicant requests that this application be referred directly to a judge without opportunity for a hearing.

If you disagree

You must notify a court officer in writing immediately and no more than ten days after the day this application is delivered to you, if you disagree with any statement made in this application.

Motion

The applicant moves for a divorce order and for a corollary relief order consistent with the written agreement.

Information and evidence in support

The evidence in support of the motion 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]
- the applicant's sworn affidavit filed on _____, 20____ proving the required facts and claims, and attaching the following as exhibits to the affidavit:
 - written agreement between the parties
 - respondent's written consent to this application proceeding without an opportunity for a hearing or contest, which is provided in [the written agreement./a separate document.]

designated address of the respondent signed by the respondent, which is provided in [the written agreement./a separate document.]

[May delete any of the following that do not apply]

- waiver of financial statements filed on _____, 20
- written undertaking not to appeal the divorce order filed on _____, 20
- applicant's parenting statement filed on _____, 20
- applicant's statement of income filed on _____, 20
- respondent's statement of income filed on _____, 20
- applicant's statement of special or extraordinary expenses filed on _____, 20
- respondent's statement of special or extraordinary expenses filed on _____, 20
- applicant's statement of expenses filed on _____, 20
- respondent's statement of expenses filed on _____, 20
- applicant's statement of undue hardship circumstances filed on _____, 20
- respondent's statement of undue hardship circumstances filed on _____, 20
- applicant's statement of property filed on _____, 20
- respondent's statement of property filed on _____, 20
- draft divorce order
- draft corollary relief order
- two stamped envelopes with the designated address of the applicant making this motion and two stamped envelopes with the designated address of the respondent
- other required statements or documents [specify]

Non-parties

Are there other persons *with* contact time, interaction, or parenting time with the child/children?

- Yes, details in the Affidavit.
- No

Are there other persons *looking for* contact time, interaction, or parenting time with the child/children?

- Yes, details in the Affidavit.
- No

Contact information

The applicant designates the following address:

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

Delivery to respondent

You will immediately be notified of this application by immediate delivery of a copy of this notice to the address you designated in the agreement.

Declaration & certificate

I declare that the statements in this application for divorce are true to the best of my personal knowledge, or information given to me that I believe to be true, and I certify that I am aware of my duties under sections 7.1 through 7.5 of the *Divorce Act*, which include:

1. I must exercise any parenting time or decision-making responsibility that I have with respect to any children of the marriage in a manner that is consistent with the best interests of the child/children;
2. To the best of my ability, I must protect the child/children of the marriage from conflict arising from this proceeding;
3. To the extent that it is appropriate to do so, I must try to resolve the issues in this proceeding through a family dispute resolution process;
4. I must provide complete, accurate and up-to-date information as required under the *Divorce Act*, as part of this proceeding and under a Court Order; and,
5. If I am subject to an order made under the *Divorce Act*, I must follow and comply with the order until it is no longer in effect.

Signed _____, 20____

Signature of applicant
Print name:

Counsel's certificate [delete if not applicable]

I, counsel for the applicant, certify that I have complied with the requirements of section 7.7 of the *Divorce Act*.

Signature of counsel
Print name:

Court officer's certificate

I certify that this application for divorce by agreement was filed with the court on _____, 20

Court Officer

Form 59.46

20

No.

Supreme Court of Nova Scotia
(Family Division)

Between: [copy standard heading]

[full name, including middle name(s)]

Applicant

and

[full name, including middle name(s)]

Co-Applicant

Joint Application for Divorce

The applicants request a divorce

The applicants apply to the court for a divorce order [and a corollary relief order] consistent with an agreement dated _____, 20____, which settles all issues concerning the dissolution of their marriage and corollary relief.

Accordingly, the applicants request this joint application be referred directly to a judge without opportunity for a hearing.

Motion

The applicants jointly move for a divorce order and for a corollary relief order consistent with the agreement.

Information and evidence in support

The evidence in support of the motion 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]
- affidavits, or a joint affidavit, of the applicants proving the required facts and claims, and attaching the written agreement between the applicant as an exhibit to the affidavit [modify if only one applicant files an affidavit]

[May delete any of the following that do not apply]

- waiver of financial statements filed on _____, 20____
- written undertaking not to appeal the divorce order filed on _____, 20____
- applicant's, [name], parenting statement filed on _____, 20____
- co-applicant's, [name], parenting statement filed on _____, 20____

- applicant's, [name] , statement of income filed on _____ , 20
- co-applicant's, [name] , statement of income filed on _____ , 20
- applicant's, [name] , statement of special or extraordinary expenses filed on _____ , 20
- co-applicant's, [name] , statement of special or extraordinary expenses filed on _____ , 20
- applicant's, [name] , statement of expenses filed on _____ , 20
- co-applicant's, [name] , statement of expenses filed on _____ , 20
- applicant's, [name] , statement of undue hardship circumstances filed on _____ , 20
- co-applicant's, [name] , statement of undue hardship circumstances filed on _____ , 20
- applicant's, [name] , statement of property filed on _____ , 20
- co-applicant's, [name] , statement of property filed on _____ , 20
- draft divorce order
- draft corollary relief order
- two stamped envelopes with the designated address of one applicant and two stamped envelopes with the designated address of the other applicant
- other required statements or documents [specify] _____ .

Non-parties

Are there other persons *with* contact time, interaction, or parenting time with the child/children?

- Yes, details in the Affidavit.
- No

Are there other persons *looking for* contact time, interaction, or parenting time with the child/children?

- Yes, details in the Affidavit.
- No

Contact information

The applicant _____ [name] designates the following address:

The co-applicant [name] designates the following address:

Documents delivered to these addresses are considered received by the applicant who designated the address on delivery.

Declaration & certificate

I declare that the statements in this application for divorce are true to the best of my personal knowledge, or information given to me that I believe to be true, and I certify that I am aware of my duties under sections 7.1 through 7.5 of the *Divorce Act*, which include:

1. I must exercise any parenting time or decision-making responsibility that I have with respect to any child/children of the marriage in a manner that is consistent with the best interests of the child/children;
2. To the best of my ability, I must protect the child/children of the marriage from conflict arising from this proceeding;
3. To the extent that it is appropriate to do so, I must try to resolve the issues in this proceeding through a family dispute resolution process;
4. I must provide complete, accurate and up-to-date information as required under the *Divorce Act*, as part of this proceeding and under a Court Order; and,
5. If I am subject to an order made under the *Divorce Act*, I must follow and comply with the order until it is no longer in effect.

Signed by [name of applicant] on _____, 20

Signature of applicant

Signed by [name of co-applicant] on _____, 20

Signature of co-applicant

Counsel's certificate [delete if not applicable]

I, counsel for [name of applicant], certify that I have complied with the requirements of section 7.7 of the *Divorce Act*.

Signature of counsel
Print name:

[delete if not applicable]

I, counsel for [name of co-applicant] , certify that I have complied with the requirements of section 7.7 of the *Divorce Act*.

Signature of counsel
Print name:

Court officer's certificate

I certify that this joint application for divorce was filed with the court on _____, 20__ .

Court Officer

Form 59.48A

20

No.

Supreme Court of Nova Scotia
(Family Division)

Between: [copy standard heading]

[full name, including middle name(s)]

[*Petitioner/Applicant*]

and

[full name, including middle name(s)]

[*Respondent/Co-Applicant*]

Divorce Order

Before the Honourable Justice [name or blank]

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

Divorce

1 [name of party] and [name of other party], who were married at [city, town, etc.], in [province, state, country] on [date of marriage] are hereby divorced.

Effective date [select the applicable paragraph and delete the other one]

2 The effective date of the divorce is thirty-one days after the date of this order, as provided in the *Divorce Act*, unless an appeal is started.

OR

By reason of special circumstances, and undertakings being filed, as required by subsection 12(2) of the *Divorce Act*, the divorce takes effect when this order is issued.

Copies to parties

- 3 A court officer must mail a certified copy of this order, and any corollary relief order issued with it, to each party.

Certificate of divorce

- 4 A certificate of divorce will be issued by a court officer and sent to the parties, after 31 days from the date of this order, if the court officer is satisfied that a copy of this order was mailed to both parties, the order has become effective, and no appeal was started.

Canada Pension Plan

- 5 This divorce order, and a corollary relief order issued with it, does not affect in any way a statutory entitlement to seek a division of credits or benefits under the *Canada Pension Act*.

Change of name [delete if not applicable]

- 6 a. The name of the [*petitioner/applicant/respondent*] , [present name, including middle name(s)] is changed to [new name, including middle name(s)] , effective immediately.
- b. The [*petitioner/applicant/respondent*] was born at [place] on [birth date] . The [*petitioner's/applicant's/respondent's*] name registered at birth was [birth name, including middle name(s)].

Issued _____, 20

Court Officer

Form 59.48B

20

No.

Supreme Court of Nova Scotia (Family Division)

Between: [copy standard heading]

[full name, including middle name(s)]

[*Petitioner/Applicant*]

and

[full name, including middle name(s)]

Respondent

Corollary Relief Order

Before the Honourable Justice [name or blank]

The parties were divorced by a divorce order dated _____, 20__ .

This proceeding is before the court for determination [*in the absence of the parties / following a divorce trial*] .

Proof of service of the petition was established and the pleadings, and the evidence presented by [*affidavit / testimony / affidavit and testimony*] , were considered.

[add if there are children]

The parties have the following [*child/children*] of the marriage as defined by the *Divorce Act*:

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, [name of party receiving child support] is found to have an annual income of \$ [amount] .

OR

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

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

[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] :
[select the applicable paragraph and delete the other to complete this sentence]

it is ordered, under the *Divorce Act*, the *Matrimonial Property Act* and any other applicable legislation, that the terms of the attached [separation agreement / minutes of settlement / agreement] are incorporated into this order and provide the terms of corollary and other relief, to the extent the jurisdiction of the Court allows.

[if this paragraph is selected, a description of the contents of the attachment is not required and paragraphs 1 to 10 are not required]

OR

the following is ordered under the *Divorce Act*, the *Matrimonial Property Act* and any other applicable legislation.

[if this paragraph is selected, a selection from paragraphs 1 to 10, as applicable, is also required]

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

Decision-making responsibility

1 a. Decision-making responsibility of the following [child/children] is granted to [name/both parties jointly] :

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

b. The following terms apply to decision-making responsibility set out at paragraph 1a:
[delete if not applicable]

Parenting time and arrangements

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: [provide details]

OR

- 2 [name] has primary care and residence for the [child/children], and [name] will have reasonable parenting time 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 caring for the [child/children] for a minimum of 40% of the time over the course of a year, according to the following schedule and according to the following terms: [provide details]

Child support payments

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

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

- b. 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: %

- c. 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 _____, 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 /st 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 , 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]

- 9
- a. All support payments must be made payable to [name of party receiving support] .
 - b. 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.
 - c. 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.
 - d. 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*.
 - e. [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*.

Property Division

- 10 All property and debts were divided by the parties and each shall retain possession and ownership of property now in their possession. Neither party is required to transfer an equalization payment to the other.

OR

Property is divided under the *Matrimonial Property Act* as follows:

Enforcement

- 12
- a. 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.
 - b. 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.
 - c. 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

, 20

Court Officer