

Nova Scotia Civil Procedure Rules
Amendment (Rules 59 and 62)
February 25, 2021

The following Rules and Forms are amended as follows:

1. The phrase “decision-making responsibility or” is added to Rule 59.03(1)(a) after the phrase “not a divorce and involves”.
2. The word “ordinarily” in Rule 59.03(1)(a) is changed to “habitually”.
3. The words “section 9” in Rule 59.05(5) are replaced with “section 7.7”.
4. The period at the end of Rule 59.07(1)(j) is changed to a semi-colon, and the following Rules 59.07(1)(k), (l) and (m) are added to Rule 59.07(1):
 - (k) the applicant’s declaration as required by sections 7.1 to 7.5 of the *Divorce Act* (if proceeding under the *Divorce Act*);
 - (l) the certificate of counsel for an applicant as required by section 7.7 of the *Divorce Act* or section 54(c) of the *Parenting and Support Act*;
 - (m) a statement of other relevant proceedings or circumstances affecting the well-being or safety of the children/parties.
5. The period at the end of Rule 59.08(4)(e) is changed to a semi-colon, and the following Rules 59.08(4)(f), (g) and (h) are added to Rule 59.08(4):
 - (f) the respondent’s declaration as required by sections 7.1 to 7.5 of the *Divorce Act* (if proceeding under the *Divorce Act*);
 - (g) the certificate of counsel for a respondent as required by section 7.7 of the *Divorce Act* or section 54(c) of the *Parenting and Support Act*;
 - (h) a statement of other relevant proceedings or circumstances affecting the well-being or safety of the children/parties.
6. The period at the end of Rule 59.09(1)(p) is changed to a semi-colon, and the following Rules 59.09(1)(q) and (r) are added to Rule 59.09(1):
 - (q) the petitioner’s declaration as required by sections 7.1 to 7.5 of the *Divorce Act*;
 - (r) a statement of other relevant proceedings or circumstances affecting the well-being or safety of the children/parties.
7. The words “section 9” in Rule 59.09(3) are replaced with “section 7.7”.

8. The period at the end of Rule 59.10(5)(k) is changed to a semi-colon, and the following Rules 59.10(5)(l) and (m) are added to Rule 59.10(5):
 - (l) the respondent's declaration as required by sections 7.1 to 7.5 of the *Divorce Act*;
 - (m) the certificate of counsel for a respondent as required by section 7.7 of the *Divorce Act* may be placed after the signature of the party on the Answer to the Petition for Divorce.
9. The period at the end of Rule 59.12(1)(g) is changed to a semi-colon, and the following Rules 59.12(1)(h), (i) and (j) are added to Rule 59.12(1):
 - (h) the applicant's declaration as required by sections 7.1 to 7.5 of the *Divorce Act* (if proceeding under the *Divorce Act*);
 - (i) the certificate of counsel for an applicant as required by section 7.7 of the *Divorce Act* or section 54(c) of the *Parenting and Support Act*;
 - (j) a statement of other relevant proceedings or circumstances affecting the well-being or safety of the children/parties.
10. The period at the end of Rule 59.13(4)(f) is changed to a semi-colon, and the following Rules 59.13(4)(g), (h) and (i) are added to Rule 59.13(4):
 - (g) the respondent's declaration as required by sections 7.1 to 7.5 of the *Divorce Act* (if proceeding under the *Divorce Act*);
 - (h) the certificate of counsel for a respondent as required by section 7.7 of the *Divorce Act* or section 54(c) of the *Parenting and Support Act*;
 - (i) a statement of other relevant proceedings or circumstances affecting the well-being or safety of the children/parties.
11. "Form 59.13" referred to in Rule 59.13(5) is replaced with "Form 59.13A", and the Form is renumbered 59.13A.
12. The following Rule 59.13(6) is added to Rule 59.13:
 - (6) Where the former spouses reside in different provinces, the respondent in a variation application for support under section 17(1)(a) of the *Divorce Act* may elect to convert the application to an application under section 18.1(3) of the *Divorce Act*. The request to convert by the respondent may be in Form 59.13B and is made under the provisions of the *Divorce Act* and its regulations including provisions about forms, notices, delivery or service of documents, evidence, proceedings and orders.
13. The phrase "decision-making responsibility or" is added to Rule 59.20(1)(a) before the word "custody".

14. The phrase “decision-making responsibility or” is added to Rule 59.20(2)(a) before the word “custody”.
15. The period at the end of Rule 59.44(4)(d) is changed to a semi-colon, and the following Rule 59.44(4)(e) is added to Rule 59.44(4):
 - (e) it must include details of other parties with or looking for contact time, interaction or parenting time with the child(ren).
16. The period at the end of Rule 59.45(2)(k) is changed to a semi-colon, and the following Rules 59.45(2)(l), (m) and (n) are added to Rule 59.45(2):
 - (l) the applicant’s declaration as required by sections 7.1 to 7.5 of the *Divorce Act*;
 - (m) the certificate of counsel for an applicant as required by section 7.7 of the *Divorce Act*;
 - (n) details of other parties with or looking for contact time, interaction or parenting time with the child(ren).
17. The period at the end of Rule 59.46(2)(e) is changed to a semi-colon, and the following Rules 59.46(2)(f), (g) and (h) are added to Rule 59.46(2):
 - (f) each of the parties must sign the declaration required by sections 7.1 to 7.5 of the *Divorce Act*;
 - (g) the certificate of counsel for the applicants required by section 7.7 of the *Divorce Act*;
 - (h) it must include details of other parties with or looking for contact time, interaction or parenting time with the child(ren).
18. The following Rules 59.48(4) and (5) are added to Rule 59.48:
 - (4) A Divorce Order may be in Form 59.48A.
 - (5) A Corollary Relief Order may be in Form 59.48B.
19. The title of Rule 59.56 “Provisional order under the *Divorce Act*” is changed to “Support Application by persons residing outside of Canada”.
20. The phrase “from a designated jurisdiction outside of Canada” is added to Rule 59.56(2) after the words “court officer who receives a provisional order”.
21. The words “section 19” in Rule 59.56(2) are replaced with “section 19(4)”.
22. Rule 59.56(1) is deleted and Rules 59.56(2) and (3) are renumbered as (1) and (2).

23. The title of Rule 59.57 “Proceedings under the *Interjurisdictional Support Orders Act*” is changed to “Interjurisdictional Support Orders”.
24. Rule 59.57 is renumbered to 59.57(2) and Rule 59.57(1) is added:
 - (1) An application for a support order or a variation order under section 18 of the *Divorce Act* is made under the provisions of the *Act* and its regulations, including provisions concerning forms, notices, delivery or service of documents, disclosure from the respondent, evidence, proceedings and orders.
25. Rule 62.09 is deleted and replaced with Rule 59.09.
26. Rule 62.10 is deleted and replaced with Rule 59.10.
27. Rule 62.13 is deleted and replaced with Rule 59.44.
28. Rule 62.14 is deleted and replaced with Rule 59.45.
29. Rule 62.15 is deleted and replaced with Rule 59.46.
30. Rule 62.23 is deleted and replaced with Rule 59.48.
31. Rule 62.27 is deleted and replaced with Rule 59.57.
32. Rules 62.11, 62.12, 62.16, 62.17, 62.18, 62.19, 62.20, 62.21, 62.22, 62.24, 62.25, 62.26, 62.28, 62.29, 62.30, and 62.31 are renumbered starting with 62.09.
33. The following Forms are replaced with the attached Forms: 59.07, 59.08, 59.09, 59.10, 59.12, 59.13A, 59.25, 59.26A, 59.26B, 59.35, 59.36, 59.44, 59.45, and 59.46.
34. The following new Forms are to be added: Form 59.13B, 59.48A and 59.48B (attached).
35. The following Forms contained in the *Family Division Practice Memorandum* are replaced with the attached Forms: FD1, FD2A, FD2B, FD13, FDO4, and FDO6. The following Forms are replaced with the attached Forms: FD12 (petition), FD12 (joint application), and FD12 (application).

Certificate

I, Deborah K. Smith, Chief Justice of the Supreme Court of Nova Scotia, certify that on February 25, 2021 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 February 25, 2021

**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 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>	
Parenting	Contact
<input type="checkbox"/> custody and parenting arrangements (s. 18) <input type="checkbox"/> leave to apply by person who is not a parent or guardian <input type="checkbox"/> parenting time (s. 18) <input type="checkbox"/> primary care (time in excess of 60%) <input type="checkbox"/> shared parenting (time between 40-60%) <input type="checkbox"/> other <input type="checkbox"/> leave to apply by person who is not a parent/guardian <input type="checkbox"/> paternity testing (s. 27)	<input type="checkbox"/> grandparent contact time (s. 18) <input type="checkbox"/> grandparent interaction (s. 18) <input type="checkbox"/> contact time (s. 18) <input type="checkbox"/> leave to apply by person who is not a parent, grandparent or guardian (s. 18) <input type="checkbox"/> interaction (s. 18) <input type="checkbox"/> leave to apply by person who is not a parent, grandparent or guardian (s. 18)

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.

Form 59.26A

20

No.

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

**Supreme Court of Nova Scotia
(Family Division)**

Between:

_____ Applicant/Petitioner

and

_____ Respondent

Statement of Contact Information and Circumstances

of _____ prepared on _____

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

Section B	Relationship Between Applicant and Respondent
------------------	--

Married

Date of Marriage:

Date of Separation:

Spousal or Common Law

Date spousal or common law relationship began:

Date of Separation:

Divorced

Date of Divorce Judgment:

Single

Parent of Applicant's Child

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
------------------	---

Most Recent Court Order (if any):

Date Issued:.....

Court:

File Number:

Most Recent Written Agreement (if any):

Date:

Other Court Proceedings (if any):

Type:

Court:

File number:

Section E	Accessibility requests
------------------	-------------------------------

Do you have any language, communication, or health needs that require accommodation?

Yes No

If yes, please explain: _____

Signed on _____, 20 By: _____

Print Name: _____

Supreme Court of Nova Scotia
(Family Division)

Between:

Applicant/Petitioner

and

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 _____, 20

Signature

Print Name:_____

Supreme Court of Nova Scotia
(Family Division)

Between:

Applicant/Petitioner

and

Respondent

Statement of Contact Time and Interaction

Completed by:

[first and last name of person]

Completed on:

[day/month/year]

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

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

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

Section 1: RELATIONSHIP TO CHILD

Please describe your relationship to each child:

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

Section 2: RELATIONSHIP BETWEEN PARTIES

Relationship between the parties

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

Section 3: CURRENT CONTACT TIME/INTERACTION AVAILABILITY

- I work from home
- I am retired and not working
- I work regular days and hours from [day] _____ to [day] _____
and [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, e-mails, texts]:

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

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

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

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

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

Date

Signature

Full name [please print]

**Supreme Court of Nova Scotia
(Family Division)**

Between:

Petitioner

and

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 _____, 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 .[My name at birth was and I was born on [provide particulars, for example, full name on birth certificate, including middle name(s)].

Sworn to/Affirmed before me)
on, ,20)
at ,)
)
)
)

Signature of Authority
Print Name:
Official Capacity:

Signature of
Print name:

Supreme Court of Nova Scotia
(Family Division)

Between:

and

Applicant

Co-Applicant

Affidavit supporting an Uncontested Divorce (Joint Application)

We make oath and give evidence as follows:

1. We are and , the applicants in this proceeding.
2. We filed a joint application for divorce on , 20 , and this affidavit provides the required supporting evidence.
3. We have personal knowledge of the evidence sworn to 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 lives in , and lives in .

5b. The applicant was habitually resident in Nova Scotia for at least one year before the day this application was signed and, in particular since .

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 , and I was born on [provide particulars for example, full name on birth certificate, including middle name(s)] .

Sworn to/Affirmed before me)
On , 20)
at ,)
)
)
)
)
)
)

Signature of Authority

Signature of Applicant

Print Name:
Official Capacity:

Sworn to/Affirmed before me)
On , 20)
at ,)
)
)
)
)
)
)

Signature of Authority

Signature of Co-applicant

Print Name:
Official Capacity:

**Supreme Court of Nova Scotia
(Family Division)**

Between:

Applicant

and

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 _____, 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/The respondent*] [name] was habitually resident in Nova Scotia for at least one year before the day this application was signed and, in particular since _____.

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 _____ . . My name at birth was _____ and I was born on _____ [provide particulars for example, full name on birth certificate, including middle name(s)] .

Sworn to/Affirmed before me _____)
on _____, 20 _____)
at _____, _____)
_____)
_____)

Signature of Authority
Print Name:
Official Capacity:

Signature of Applicant
Print Name:

No.

**Supreme Court of Nova Scotia
(Family Division)**

Between:

Applicant/Petitioner

and

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 _____, 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 _____, 20

Signature

Print name: _____

Form FDO 4

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 . / name of applicable legislation .]

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

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

Custody

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

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

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

3 a. [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]

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 ,

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 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*.

Enforcement

- 10 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

Supreme Court of Nova Scotia
(Family Division)

Between:

Applicant/Petitioner

and

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
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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 / 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 _____, 20

Court Officer