

Family Division Practice Memorandum
Amendment
May 11, 2017

Family Division Practice Memorandum

Part 1 - Scope and application of Rules

- 1.01** This Practice Memorandum applies to any proceeding started, dealt with, and heard in the Supreme Court (Family Division), unless a judge directs otherwise.
- 1.02** The *Nova Scotia Civil Procedure Rules*, and Rule 59 - Family Division Rules in particular, apply to all of the documents and procedures provided in this Practice Memorandum.
- 1.03** Any reference in this Practice Memorandum to a particular rule number means that Rule contained in the *Nova Scotia Civil Procedure Rules*.
- 1.04** Brackets are used in the forms in this Practice Memorandum to indicate that guidance is being provided on how to complete a blank part of the Form, and italicized words in brackets are used to indicate recommended wording.
- 1.05** The brackets and guidance information contained within them, other than the applicable recommended wording, must be deleted from the version of the document or order prepared for filing.

Part 2 - Documents

Filing, format, and content requirements

- 2.01 (1)** The following documents are provided in this Practice Memorandum and must be filed by the parties as required under Rule 59 and the applicable legislation:
- (a) statement of contact information and circumstances;
 - (b) parenting statement, if custody,-parenting time, contact time or interaction is claimed;
 - (c) statement of income, if child or spousal support is claimed;
 - (d) statement of special or extraordinary expenses, if child support including support for special or extraordinary expenses is claimed;
 - (e) statement of undue hardship circumstances, if child support is claimed and a party claims the amount of support should be increased from, or decreased from, the table amount on the basis that child support in the table amount would cause undue hardship;
 - (f) statement of expenses, if spousal support is in issue, or child support is claimed and a party claims an amount that is different from the table amount, or the table amount plus special or extraordinary expenses;
 - (g) statement of property, if spousal support is in issue or there is a claim for division of assets;
 - (h) motion for directions, and affidavit supporting a motion for directions, if a party seeks to proceed to a hearing under Rule 59.37;
 - (i) request for a date assignment conference, if a party seeks to proceed to a divorce trial under Rule 59.41;
 - (j) waiver of financial statements, if the parties agree to waive, and meet the requirements under either Rules 59.21(3) or 59.47(3);
 - (k) affidavit supporting an uncontested divorce under Rule 59.47(1)(e).

- (2) The format and content for each document are mandatory as set out in the Forms listed in the following table, unless a judge orders otherwise prior to a hearing or trial of any motion or proceeding:

<i>Form Number</i>	<i>Description</i>
FD 1	statement of contact information and circumstances
FD 2A	parenting statement
FD 2B	statement of contact time and interaction
FD 3	statement of income
FD 4	statement of special or extraordinary expenses
FD 5	statement of undue hardship circumstances
FD 6	statement of expenses
FD 7	statement of property
FD 8	notice of motion for directions (family)
FD 9	affidavit supporting a motion for directions (family)
FD 10	request for a date assignment conference (divorce)
FD 11	waiver of financial statements
FD 12	affidavit supporting an uncontested divorce
FD 13	notice of motion for interim relief (family proceedings)
FD 14	<i>ex parte</i> motion (family proceedings)

Part 3 - Settlement Conferences

- 3.01** (1) The purpose of the settlement conference is to effect an early and inexpensive resolution and this requires full and frank disclosure of the merits and weaknesses of the respective cases.
- (2) Rule 10.16 addresses the confidentiality of communications, recordings and documents in a settlement conference.
- (3) To encourage participation in these settlement techniques, and to avoid the parties being concerned that they might be prejudiced by a settlement conference if the case goes to trial, the judge conducting the settlement conference will not be the trial judge.
- 3.02** A judge who conducts a settlement conference at which the parties reach agreement is responsible for advising the court officer who scheduled the proceeding of the effect the agreement may have on the requirements for trial or hearing dates.

Part 4 - Orders

Purpose

- 4.01** This part 4 of the Practice Memorandum provides standards for clauses in orders.
- 4.02** These standards comply with the requirements of the *Guidelines* for the corollary relief of child support, and for child support in family proceedings.
- 4.03** This Part also provides notes to explain in greater detail the content of the clauses, and provides a list of alternative clauses to assist parties in preparing orders.

Definitions

- 4.04** In this Part 4,

“*Guidelines*” means the *Federal Child Support Guidelines* or the provincial *Child Support Guidelines* or both, as the context requires;

“order provision” means a written statement of an order being made by a judge, which may include directions and rulings;

“payor” means the party paying support;

“recipient” means the party receiving support;

“recital” means a written factual statement that provides required background information for the provisions of an order;

“table amount” means an amount of child support determined under section 3 of the *Guidelines* using the tables provided in Schedule I of the *Guidelines*;

“variation order” means an order made to vary, rescind, or suspend another order made under the *Divorce Act* or the *Parenting and Support Act*.

Filing, format, and form requirements

- 4.05 (1)** The following orders are provided in this Practice Memorandum and must be drafted and settled as required under Rule 59, Rule 78 - Order, and this Part 3:
- (a) interim order for child support made by a judge or court officer under Rule 59.33;

- (b) divorce order and corollary relief order under Rule 59.48;
 - (c) final order for an original proceeding other than a divorce proceeding and for a motion under Rule 59.53;
 - (d) order for paternity testing made by a court officer under Rule 59.55.
- (2) A judge may give directions on the format and content of an order at any time prior to the order being made.
- (3) The form for orders listed in the following table are provided in this Practice Memorandum, and the format and content of each form of order are recommended:

<i>Order Number</i>	<i>Description</i>
FDO 1	interim order for child support
FDO 2	divorce order
FDO 3	corollary relief order
FDO 4	order (family proceeding)
FDO 5	order for paternity testing
FDO 6	order for an assessment

Corollary relief order

- 4.06 (1)** The *Federal Child Support Guidelines* set out specific requirements for the contents of a corollary relief order made under the *Divorce Act*.
- (2) Form FDO 3 is to be used for a corollary relief order made for child support at the table amount under the *Federal Child Support Guidelines*, or for child support at the table amount plus special or extraordinary expenses.
- (3) Additional clauses from the list of alternative clauses provided in this Part 4, or as otherwise required, may be added to the corollary relief order to address the other situations in which a child support order is made.
- (4) Form FDO 3 also provides clauses for corollary relief relating to custody, parenting time, contact time or interaction, and spousal support, as well as property division.

Order (family proceeding)

- 4.07** (1) The provincial *Child Support Guidelines* set out specific requirements for the contents of an order for child support made under the *Parenting and Support Act*.
- (2) Form FDO 4 is to be used for an order made for child support at the table amount under the provincial *Child Support Guidelines*, or for child support at the table amount plus special or extraordinary expenses.
- (3) Additional clauses from the list of alternative clauses provided in this Part 4, or as otherwise required, may be added to the order (family proceeding) to address the other situations in which a child support order is made.
- (4) Form FDO 4 also provides clauses for relief relating to custody, parenting time, contact time or interaction and spousal support, as well as property division.

Variation order

- 4.08** (1) The variation order is entitled variation order and either Form FDO 3 or FDO 4 may be used as the standard recital and order provisions.
- (2) The variation order must refer to the order or orders being varied and provide the date of the order or orders being varied in the recitals.
- (3) Additional clauses from the list of alternative clauses provided in this Part, or as otherwise required, may be added to a variation order to address the other situations in which a child support/-order is made.

Order notes and alternative clauses

- 4.09** The remainder of this Part 4 provides the following:
- (a) General note for orders;
 - (b) Notes on standard clauses for recitals in orders;
 - (c) Notes on standard clauses for order provisions;
 - (d) List of alternative clauses with notes for recitals and order provisions.

General note for orders

Using the name of the party rather than “applicant”, “petitioner” or “respondent” is simpler and less prone to error. Although full names are used in the heading, it is generally recommended that only the first given name and the surname be used in the recitals and provisions of the order, for ease of reading.

Notes on standard clauses for recitals in orders

Titles for clauses are not necessary in the recitals. They are used in this section for ease of reference. The information provided in this section applies to the corresponding recitals used in Forms FDO 3 and FDO 4.

Child's name and birthdate

Section 13(a) of the *Guidelines* requires that the order provide the name and birth date of each child to whom the order relates.

Income information

Section 13(b) of the *Guidelines* requires that the order include “the income of any spouse whose income is used to determine the amount of the child support order”.

There are different definitions of income, used for different purposes within the *Guidelines*. The recitals must be clear on what income has been determined and for what purpose, for example:

- The recitals need only mention the payor's annual income for the “table amount only” version of the orders.
- The incomes of both parties are required to determine the sharing proportions for special or extraordinary expenses and both incomes must be stated pursuant to ss. 7 and 13(b) of the *Guidelines* in the “table amount plus special or extraordinary expenses” version.

Effect of spousal support on income

Spousal support-paid by one party to another must be deducted from the payor's “table” income and added to the recipient's income, before calculating the respective proportions. [Reference: *Guidelines*, Schedule III, s. 3(2)]

Notes on standard clauses for order provisions

Titles provide easy reference for the order provisions found in the body of an order and they are recommended. The headings provided in this section correspond to the headings used in Forms FDO 3 and FDO 4.

Child support payments

The table amount is to be specified or, when another amount is used, one of the alternative clauses provided in this Part 4 is to be used to describe the amount and circumstances. [Reference: *Guidelines*, s. 13(c)]

Specific information concerning “special or extraordinary expenses” must be included in the order. [Reference: *Guidelines*, s. 13(e): “the particulars of any expense described in subsection 7(1), the child to whom the expense relates, and the amount of the expense or, where that amount cannot be determined, the proportion to be paid in relation to the expense”]

The Director of Maintenance Enforcement prefers that an actual amount for special or extraordinary expenses be stated, and not just the proportions, for enforcement purposes.

When child support payments are due

The payment schedule must be stated, including either lump sum or periodic payments and the date or dates when payments are to be made. [Reference: *Guidelines*, ss. 11 and 13(f)]

Child support-through health plan

Section 6 of the *Guidelines* provides for insurance coverage to be a term of child support. Any affidavit relating to child support should provide information to the court indicating whether or not such coverage exists or is to be acquired, in order for the court to include this term.

[Reference: *Mannett v. Mannett* (1992), 111 N.S.R. (2d) 327 and *Robski v. Robski*, [1997], N.S.J. No. 444]

Ongoing disclosure for child support

If the order is for the table amount only, ss. 21 and 25 of the *Guidelines* require the disclosure of only the payor’s income. Annual production is ordered here instead of requiring a written request from the recipient each year, under section 25 of the *Guidelines*.

Disclosure by the recipient is only required when the order provides for an amount other than the table amount, as in the following cases under the *Guidelines*: special or extraordinary expenses [s. 7], split custody [s. 8], shared custody [s.9], children 19 or over [s. 3(2)(b)], incomes over \$150,000 [s. 4(b)], undue hardship [s. 10], and spousal support when ordered or not ordered by reason of priority to child support. The version of this order provision for the mutual exchange of income tax returns is to be used, because the annual incomes of both parties must be disclosed.

Spousal support

If spousal support is to be paid, the payment schedule must be stated, including either lump sum or periodic payments and the date or dates when payments are to be made.

Director of Maintenance Enforcement

The method of payment preferred by the Director is for the payor to provide postdated cheques for one year. If the preferred method of payment is adopted, the clauses should read:

- 9 All support payments must be made by way of post-dated cheques for a period of one year. The cheques must be made payable to [name of party receiving support]

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

Notes: Under section 9 of the *Maintenance Enforcement Act*, all maintenance orders are filed with the Director of Maintenance Enforcement and enforced by the Director, unless the parties opt out or withdraw the order from enforcement. The court cannot order that the parties “opt out” of the Maintenance Enforcement Program. Parties wishing to opt out must do so in accordance with section 10 of the *Act*, which requires that a written consent signed by both parties must be filed with the Director. Parties may make reference in the terms of the order to an existing written consent signed by them and filed with the Director. In some circumstances, a party may apply to the Director under s. 12 to have the order “withdrawn from enforcement”.

The current designated addresses of both parties, provided under *Rule 59.15*, are to be sent by a court officer with the order to assist with registration in the Maintenance Enforcement Program.

Section 42 of the *Maintenance Enforcement Act* requires parties to maintain current addresses with the Director of Maintenance Enforcement and also advise on any changes in employment. Parties must provide the information regarding a change in address or employment within ten days from the date of the change.

List of alternative clauses with notes for recitals and order provisions

This section provides a list of alternative clauses to assist litigants in the preparation of an order. The purpose is to maximize standardization and uniformity of clauses, as well as compliance with the detailed requirements of the *Guidelines*.

Each new clause has a heading and is immediately followed by either recital notes or order provision notes depending on the type of alternative clause.

Imputation of Income

[name] has failed to provide income information when required by the [order/notice] dated and [his/her] annual income is imputed to be \$ [amount] for the purpose of determining the amount of child support.

Recital Notes: If a party has not provided the necessary income information, this recital clause may be used to give the background for the necessary imputation, made under ss. 19(1)(f), 21 and 22 of the *Guidelines*. The party must have failed to provide income information “when under a legal obligation to do so”, before income can be imputed under section 19(1)(f), and a reference is made to the order or direction that requires the disclosure. Section 21 sets out the information to be disclosed and section 25 sets out the continuing obligation to disclose.

Rounding-Up of Table Amount

[name] must pay child support to [name] pursuant to the [*Federal Child Support Guidelines/provincial Child Support Guidelines*] and in excess of the Nova Scotia table, the amount of \$ [amount] per month payable on the first day of each month, and commencing [date] .

Order Provision Notes: The parties may agree to “round up” the table amount, e.g. from \$478 to \$480 or \$500, or agree to fix child support at an amount higher than the table amount, rather than detail some small amount of special or extraordinary expenses. In either case, this alternative clause in the order provisions identifies that the “basic amount” is in excess of the table amount. The *Guidelines* set a floor for child support purposes and parties are free to agree to a higher amount.

Undue Hardship

3 [name] , resident of Nova Scotia, has an annual income of \$ amount [and his/her spouse [describe relationship of person in household sharing expenses] , [name] , has an annual income of \$ amount] for the purpose of determining the table amount of child [support] and [his/her] household standard of living.

[name] has an annual income of \$ amount [and his/her spouse/ [describe relationship of person in household sharing expenses] , [name] , has an annual income of \$ amount] for the purpose of determining his/her household standard of living.

Recital Notes: The bolded heading is not required in recitals. For undue hardship, the incomes are set out in the recitals that are used in the calculation of the respective household standards of living, under s. 10(3) of the *Guidelines*. Incomes of all relevant members of the household should be identified, using Schedule II for guidance as necessary.

Undue Hardship

3 [name] ’s household has a higher standard of living than [name] ’s household.

[name] would suffer undue hardship by reason of [set out undue hardship circumstance] if required to pay child support pursuant to the [*Federal Child Support Guidelines/provincial Child Support Guidelines*] and in accordance with the Nova Scotia table in the amount of \$ [amount] per month.

[name] must therefore pay child support to [name] in the amount of \$ [amount] per month, payable on the first day of each month, and commencing [date].

Order Provision Notes: If allowed, undue hardship changes the table amount which would otherwise be ordered. The table amount and the new amount must be stated in the order provisions as required by s. 13(c) of the *Guidelines*. Any subsequent review or variation is then clear on what would have been ordered and what was actually ordered.

Child 19 or Over

3 [name] has an annual income of \$ [amount] , and [name] has an annual income of \$ [amount] , [and the child [name] has an annual income of \$ amount] for the purpose of determining child support for the child [name] , born [date].

Recital Notes: The bolded heading is not required in recitals. The parties may agree, or a judge may decide, that the “table amount plus special or extraordinary expenses” is “inappropriate” under s. 3(2)(b) of the *Guidelines*. Alternative ways of determining support include using the older method of working out a child’s budget and sharing it proportionately between the parents/guardians. If the child has income, then the budget deficit is what is shared between the parents/guardians.

Child 19 or Over

3 [name] must pay to [name /the child, name ,] pursuant to section 3(2)(b) of the [*Federal Child Support Guidelines/provincial Child Support Guidelines*] the amount of \$ [amount] per month for the support of the child [name] , payable on the first day of each month, commencing [date] .

Order Provision Notes: Parties have the option to agree that the child receive the monthly payments directly.

Split Custody

3 [name 1] , resident of Nova Scotia, has an annual income of \$ [amount] and [name 2] , resident of Nova Scotia, has an annual income of \$ [amount] , for the purpose of determining the table amount of child support.

Recital Notes: The bolded heading is not required in recitals. For consistency in the order provisions, the party who will be paying child support is “name 1” and the other party is “name 2”. The party paying support is often the party with the higher income. However, if one party has fewer children than the other, that party may be the one to pay support.

Split Custody

3 [name 1] would otherwise pay to [name 2] for the support of the [child/children name/names] the table amount of \$ [amount] , and [name 2] would otherwise pay to [name 1] for the support of the [child/children name/names] the table amount of \$ [amount] .

[name 1] must therefore pay child support to [name 2] in the amount of \$ [amount] per month, payable on the first day of each month, and commencing [date] .

Order Provision Notes: Section 8 of the *Guidelines* provides for the net difference to be paid in split custody situations. It may be necessary in some circumstances to include not just table amounts, but also special or extraordinary expenses in the calculation of the net difference, which should then be reflected in alternative clauses.

Shared Custody

NOTES: A standard clause for child support in a shared custody situation under Section 9 of the *Guidelines* has not been included as there are a wide variety of possible shared custody arrangements in practice. It may be possible to modify some of the alternative clauses to fit the particular shared custody situation.

Waiver of Financial Disclosure

6 By agreement of the parties, [name] and [name] are not required to file financial statements in this proceeding.

Order Provision Notes: This clause may be used if there are no children of the marriage and both parties agree to waive the filing of the financial statements. This would include cases in which the parties are not seeking relief regarding spousal support or matrimonial property, or the parties have reached an agreement regarding spousal support and matrimonial property and they have also agreed to waive the filing of the financial statements. This clause cannot be used where there are any dependent children, even if child support has been agreed upon, due to the requirements under s. 21 of the *Guidelines*.

Reduced Spousal Support

7 No spousal support shall be paid by [name] to [name] as a result of giving priority to child support.

OR

7 [name] shall pay spousal support to [name] in the amount of \$ [amount] per month, . payable on the first day of each month, and commencing [date], which amount is less than it otherwise would have been as a result of giving priority to child support.

Order Provision Notes: Section 15.3(1) of the Divorce Act requires that the court give priority to child support over spousal support. Where that priority eliminates, or reduces the amount of, spousal support, the order should so note, consistent with the duty to record reasons in s. 15.3(3).

**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: Other/Previous Names:	Last Name: First Name: Middle Name: Other/Previous Names:
Gender	<input type="checkbox"/> Male <input type="checkbox"/> Female	<input type="checkbox"/> Male <input type="checkbox"/> Female
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/Corp oration <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:.....

Section B	Relationship Between Applicant and Respondent
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- 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:

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
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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)	Presently Living With:

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

Signed on _____, 20 By: _____

Print Name: _____

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

Between:

Applicant/Petitioner

and

Respondent

Parenting Statement

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: CHILD’S CURRENT LIVING ARRANGEMENTS

Please describe who each child lives with at present:

Child’s Last Name	Child’s First and Middle Names	Date of Birth (d/m/y)	Presently Living With (e.g. mother, father, etc.)

Section 2: PARENTING HISTORY

My relationship to the child/children:

- Parent
- Step-parent or guardian
- Other: _____

Relationship between the parties

- Have not lived together
- Lived together from _____ to _____
- Married:
Date of Marriage: _____ Date of Separation: _____
- Other [describe circumstances]: _____

Section 3: CURRENT PARENTING TIME AVAILABILITY

- I am a stay-at-home parent/guardian
- 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 paternity leave.
 - I am disabled.
 - I am financially supported by [describe person or circumstances]: _____
- Other [describe circumstances]: _____

Section 4: CHILD CARE REQUIREMENTS

- I do not require child care
- I do require child care for [names] _____
- Child Care is provided by:
 - Child care facility called _____
 - An individual who is _____
 - After-school program _____
 - Other [describe] _____
- My child attends special programming due to special needs or disabilities [when applicable, name each child and describe]: _____

PARENTING ARRANGEMENTS PROPOSAL

I propose the following parenting arrangements for the child/children of the relationship.

Section 5: DECISION-MAKING

[Please mark one option with an X to show the arrangement you are proposing and fill in the name]

- Sole Decision Making Responsibility for the child/children:

_____ will make the parenting decisions.
[name of parent/guardian]

- Shared Decision Making Responsibility for the child/children:

I and _____ will make the parenting decisions together.
[name of parent/guardian]

- Specific Shared Decision Making Responsibility for the child/children:

I will make decisions about:

- healthcare
- education
- religion
- culture
- extracurricular activities
- other [describe]:

and _____ will make decisions about:
[name of parent/guardian]

- healthcare
- education
- religion
- culture
- extracurricular activities
- other [describe]:

and together we will make decisions about:

- healthcare
- education
- religion
- culture
- extracurricular activities
- other [describe]:

Section 6: LIVING ARRANGEMENTS

[Must choose only one]

I propose the following living arrangements for the child/children:

- The child/children will live with me most of the time.
[Go to Regular Schedule 7A for Parenting Time proposal.]

- The child/children will live with _____ most of the time.
[name of parent/guardian]
[Go to Regular Schedule 7A for Parenting Time proposal and complete.]

- The child/children will live with both me and _____
[name of parent/guardian]
for an equal or almost equal amount of the time.
[Go to Regular Schedule 7B for Parenting Time proposal and complete.]

- At least one child will live with me and at least one child will live with _____ most of the time.
[name of parent/guardian]
[Go to Regular Schedule 7C for Parenting Time proposal and complete.]

- Other households [describe and provide separate schedule]: _____

Section 7: PARENTING TIME – REGULAR SCHEDULE

[Must choose only one of 7A, 7B or 7C or provide separate schedule]

Regular Schedule 7A

I propose the following schedule for the child/children [select one]:

The child/children will live with me most of the time and will be cared for by _____ for the parenting time that I propose below.
[name of parent/guardian]

The child/children will live with _____ [name of parent/guardian] most of the time and will be cared for by me for the parenting time that I propose below.

The parenting time I propose is:

Every second weekend beginning [day] _____ at _____ [a.m./p.m.] until [day] _____ at _____ [a.m./p.m.]

Every second weekend from the end of the child/children’s school day at _____ [a.m./p.m.] until Monday morning when the child/children are to be returned to school.

On the week that the other parent/guardian does not have weekend time every [day or days] _____ at _____ [a.m./p.m.] until [day] _____ at _____ [a.m./p.m.]

On days and times we have agreed upon based on reasonable requests for reasonable times.

At times and places I have agreed upon, or the court orders, with supervision of _____ parenting time
[use “my” or name of parent/guardian]

At times determined with and supervised through a Supervised Access & Exchange (SAE) program (may not be available in all areas)

Other regular schedule [describe in detail when the child/children will be living in your home and in the other parent/guardian’s home] _____

Section 7: PARENTING TIME – REGULAR SCHEDULE

[Must choose only one of 7A, 7B or 7C or provide separate schedule]

Regular Schedule 7B

The child/children live(s) or will live with both me and

[name of parent/guardian]

for an equal or almost equal amount of the time.

Regular Schedule

I propose the following schedule for the child/children:

- Starting on [date: day/month/year] _____ the child/children will be cared for in my home every second week:
from: [day of the week] _____ at _____ [a.m./p.m.]
until: [day of the week] _____ at _____ [a.m./p.m.]
and on the other weeks, they will be cared for by the person named above.

- Other regular schedule [describe in detail when the child/children will be living in your home and when they will be in the other parent/guardian's home]: _____

Section 7: PARENTING TIME – REGULAR SCHEDULE

[Must choose only one of 7A, 7B or 7C or provide separate schedule]

Regular Schedule 7C

I propose that _____
[Name(s) of child/children to live with me]

will live with me most of the time and _____
[Name(s) of child/children to live with other parent/guardian]

will live with _____ most of the time.
[name of parent/guardian]

The child/children who will live in my home will be cared for by the other parent/guardian:

- On days and times that we have agreed upon based on reasonable requests for reasonable times.
- Other regular schedule [describe in detail when the child/children will be living in your home and when they will be in the other parent/guardian's home]: _____

The child/children who will live in the other parent/guardian's home will be cared for by me:

- On days and times that we have agreed upon based on reasonable requests for reasonable times.
- Other regular schedule [describe in detail when the child/children will be living in the other parent/guardian's home and when they will be in your home]: _____

Section 8: PARENTING TIME – ADDITIONAL SCHEDULES

8a. Long Weekends

If a holiday falls on a Monday or Friday will the child/children remain with the parent/guardian who has them on the weekend?

- Yes

The parent/guardian who has the child/children on the weekend under the regular schedule will keep the child/children until

- Monday evening
 Tuesday morning
 Other: _____

- No

Long Weekends are to be shared alternating year by year

To begin this year [date] _____ I will care for the child/children for the weekends I have marked and the other parent/guardian will have the weekends I have not marked:

- Heritage Day weekend
 Victoria Day weekend
 Canada Day weekend when it occurs
 August Holiday weekend
 Labour Day weekend
 Thanksgiving weekend
 Remembrance Day weekend when it occurs
 Other [describe]: _____

8b. Christmas or December to January Break

The child/children will:

- Alternate and split time on Christmas Day:* between homes in even and odd years with one parent/guardian caring for the child/children from [date & time] _____ until [time] _____ on Christmas Day and the other parent/guardian caring for the child/children from that time on Christmas Day until [date & time] _____.
- Alternate and split time between Christmas Eve and Boxing Day:* between homes in even and odd years with one parent/guardian caring for the child/children from [time] _____ on Christmas Eve until [time] _____ on Christmas Day and the other parent/guardian caring for the child/children from that time on Christmas Day until [time] _____ on Boxing Day.

- Alternate and split time over full Christmas/New Year holiday:* between homes in even and odd years with one parent/guardian caring for the child/children from after school at the beginning of the school break until [time] _____ on Christmas Day and the other parent/guardian caring for the children from that time on Christmas Day until [time] _____ on the day before they return to school.
- Alternate between homes in even and odd years with one parent/guardian caring for the child/ children from after school at the beginning of the school break until [time] _____ on Christmas Day and the other parent/guardian caring for the children from that time on Christmas Day until that parent/guardian returns the child/children to school the morning of the day they must return school.
- Other _____

I have requested an alternating schedule and request I have all _____ years.
 [choose even or odd]

8c. Easter Break

The child/children will:

- Alternate and split Easter Saturday:* between homes in even and odd years with one parent/guardian caring for the child/children from after school at the beginning of the school break until [time] _____ on Easter Saturday and the other parent/guardian caring for the children from that time on Easter Saturday until that parent/guardian returns the child/children to school the morning of the day they must return school.
- Alternate and split weekend:* between homes in even and odd years with one parent/guardian caring for the child/children from [day & time] _____ until [day & time] _____ and the other parent/guardian caring for the child/children from that time until [day & time] _____.
- Other _____

I have requested an alternating schedule and request I have all _____ years.
 [choose even or odd]

8d. March Break

The child/children will:

- Alternate and split week:* between homes in even and odd years with one parent/guardian caring for the child/ children from after school at the beginning of the school break until Wednesday at [time] _____ and the other parent/guardian caring for the

children from that time until that parent/guardian returns the child/children to school the morning of the day they must return school.

- Alternate entire week and both weekends annually:* between homes in even and odd years with one parent/guardian caring for the child/children for the entire March Break including the weekends at the beginning and at the end of the Break.
- Alternate entire week annually:* between homes in even and odd years with one parent/guardian caring for the child/ children for the entire March Break starting at [time] _____ on Sunday at the start of the Break until [time] _____ on Sunday at the end of the Break.
- Other [describe]: _____

I have requested an alternating schedule and request I have all _____ years.
[choose **even** or **odd**]

8e. Summer Holiday/School Break

Describe in detail when the child/children will be in your home and when they will be in the other parent/guardian's home: _____

8f. Notice Requirements for Vacations/Holidays

Describe in detail the amount of advance notice you require to schedule vacation times and holidays each year: _____

8g. Child/Children's Birthdays

- I will share parenting time on the child/children's birthdays when I receive reasonable requests for a reasonable sharing of time and transportation.
- The child/children's birthdays can be celebrated when each of us has/have the child/children in their care on that day.

8h. Other Parenting Time

- I will agree to additional parenting time when I receive reasonable requests for reasonable times.
- I will not agree to any additional parenting time.
- I will change parenting times when I receive a reasonable request to make a change with reasonable changes detailed.
- I will not agree to any changes to parenting times.

Section 9: TRANSPORTATION BETWEEN HOMES

- The other parent/guardian will pick up the child/children from my home and I will go to their home to pick up the child/children and return them to my home.
- I will take child/children to other parent/guardian's home and the other parent/guardian will return the child/children to my home.
- The other parent/guardian will pick up the child/children from my home and return the child/children to my home.
- I will take the child/children to the other parent's/guardian's home and I will go to their home to pick up the child/children and return them to my home.
- The other parent/guardian will pick up and return the child/children from and to school for the regular parenting schedule and from and to my home when the child/children are not in school.
- The other parent/guardian will pick up and return the child/children from and to the child care provider.
- I will meet the other parent/guardian at _____.
[name the location]
- I will meet the other parent/guardian at a neutral location that we select and agree upon from time to time.
- I will make this decision with the other parent/guardian depending on what is required by us and the child/children from time to time.
- Other [describe] _____

Section 10: INTERACTION PROPOSAL

In addition to my parenting time, I propose the following interaction with the child/children:

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

- 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:

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. grandmother, grandfather, aunt, uncle, 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 paternity 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 have been 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 _____

- At times determined with and supervised through a Supervised Access & 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 that parent/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 at _____ to pick up and drop off the child/children
[name the location]
- 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: _____
[describe, for example: letters, emails, texts]
with the following frequency: _____
[describe frequency: number of times per week or month]
- communicate with each child verbally by: _____
[describe, for example: telephone, internet conferencing]
with the following frequency: _____
[describe frequency: number of times per week or month]
- receive photographs of each child from a person named in the order receive information regarding the health, education and well-being of each child from a person named in the order
- other [describe]: _____

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

Date

Signature

Full Name [Please print]

Supreme Court of Nova Scotia
(Family Division)

Between:

and

Applicant/Petitioner

Respondent

Statement of Income of _____
prepared on _____

I make oath/affirm and give evidence as follows:

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

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

First Income Source: _____ (Name of Source)

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

Second Income Source: _____ (Name of Source)

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

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

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

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

Total Annual Income for table amount: _____

3. Attached are true copies of my personal income tax returns filed with Canada Revenue Agency for the three most recent taxation years.
4. Attached are true copies of Notices of Assessment (or Re-Assessment) issued by Canada Revenue Agency for each of the three most recent taxation years.
5. ***THE FOLLOWING ITEMS MARKED WITH AN 'X' APPLY TO ME:***

I AM AN EMPLOYEE:

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

I AM UNEMPLOYED:

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

I AM SELF-EMPLOYED:

I am self-employed and attached are:

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

I AM A MEMBER OF A PARTNERSHIP:

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

I CONTROL A CORPORATION:

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

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

I AM A BENEFICIARY UNDER A TRUST:

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

I AM AN ADMINISTRATOR OR A TRUSTEE OF A TRUST

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

Signature of Authority

Signature of

Print Name:

Official Capacity:

Supreme Court of Nova Scotia
(Family Division)

Between:

Applicant/Petitioner

and

Respondent

Statement of Undue Hardship Circumstances
of _____ prepared on _____

I make oath/affirm and give evidence as follows:

1. I am claiming undue hardship on the basis of one or more of the following circumstances (indicate which of the following you are claiming):

- a) I am responsible for an unusually high level of debts, which I had reasonably incurred to support myself, the other party and our child or children prior to our separation;
- b) I am responsible for an unusually high level of debts, which I have reasonably incurred to earn a living;
- c) I have unusually high expenses in relation to exercising access to my child;
- d) I have a legal duty under a judgment, order or written separation agreement to support any person (other than the child(ren) to whom this proceeding relates);
- e) I have a legal duty to support a dependent child in my household (other than the child(ren) to whom this proceeding relates);
- f) I have a legal duty to support an adult person who is unable, by reason of illness, disability or other cause, to obtain the necessaries of life; or
- g) I have some other undue hardship circumstance (be as specific as possible):

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

(a) Spouse or Partner:

Name _____ Gross annual income: _____

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

Name _____ Gross annual income: _____

Name _____ Gross annual income: _____

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

Child's Full Name _____ Date of Birth: _____

Child's Full Name _____ Date of Birth: _____

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

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

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

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

Factor: _____ Annual Amount: _____

Factor: _____ Annual Amount: _____

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

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

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

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

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

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

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

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

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

are attached.

OR

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

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

Signature of Authority

Signature of

Print Name:

Official Capacity:

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

Between:

Applicant/Petitioner

and

Respondent

Statement of Expenses
of _____ prepared on _____

I make oath/affirm and give evidence as follows:

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

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

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

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

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

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

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

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

NAME	OCCUPATION OR SOURCE OF INCOME

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

Signature of Authority
Print Name:
Official Capacity:

Signature of

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 custody;
- interim parenting time, contact time or interaction;
- 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 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: _____

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

Between:

Applicant/Petitioner

and

Respondent

Interim Order for Child Support

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

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

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

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

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

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

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

Payment of child [support / maintenance]

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

Method of payment

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

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

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

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

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

Issued ,20 .

Court Officer

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

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

Supreme Court of Nova Scotia
(Family Division)

Between:

Applicant/Petitioner

and

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 has been established and the [application / application and
response] , and the evidence presented by [affidavit/testimony/affidavit and testimony] , have
been 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 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] .

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

OR

Parenting Arrangements

1 The parenting arrangements for the following [child/children] are as follows [provide details of custodial parenting arrangements]:

Name of Child

Date of Birth

Terms for parenting time

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

OR

2 The parties share care and residence for the [child/children] according to the following terms:

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

OR

2 [name] has reasonable parenting time with the [child/children] on reasonable notice to [name] or at times agreed to by the parties.

Child support payments

3 [name] must pay child maintenance 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]

In addition to the table amount, [name] must pay child support to [name] in the amount of \$ [amount] each month for [her / his] 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: %

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 [his/her] 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 1st of each year, both parties must provide each other with a copy of his or her 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.

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

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

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

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

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

Enforcement

10 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.

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.

Issued , 20

Court Officer

Supreme Court of Nova Scotia

Between:

Applicant/Petitioner

and

Respondent

Order for Paternity Testing

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

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

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

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

Testing

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

Responsibility for arrangements and costs

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

OR

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

OR

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

Return to conciliation meeting

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

Issued _____, 20 ____ .

Court Officer

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

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

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 have been established.

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

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

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

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

Preparation of report
[Select the applicable request]

1. A [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]

Custody, Parenting time and Interaction

What may be an appropriate 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 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 he/she/ 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 he/she/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

2The 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]

2 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

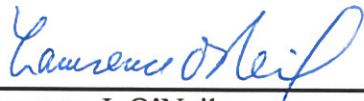
Court Officer

Certificate

I, Lawrence I. O’Neil, Associate Chief Justice of the Supreme Court (Family Division) of Nova Scotia, certify that on May 11, 2017 the judges of the Supreme Court of Nova Scotia made the foregoing amendments to the following parts and forms of the Family Division Practice Memorandum:

1. Parts 1, 2, 3, and 4 of the Family Division Practice Memorandum are replaced by the attached parts.
2. The following forms are replaced by the attached forms:
 - a. FD1 Statement of contact information and circumstances
 - b. FD2 Parenting statement [renumbered “FD2A” in the amended version]
 - c. FD3 Statement of income
 - d. FD5 Statement of undue hardship circumstances
 - e. FD6 Statement of expenses
 - f. FD13 Notice of motion for interim relief (family proceeding)
 - g. FDO1 Interim order for child support
 - h. FDO4 Order (family proceeding)
 - i. FDO5 Order for paternity testing
 - j. FDO6 Order for an assessment
3. The new form, statement of contact time and interaction, in Form FD2B is added as set out in the attached forms.

Signed June 7, 2017



Lawrence I. O’Neil
Associate Chief Justice of the
Supreme Court (Family Division)
of Nova Scotia