

When a court is asked to make a child support order, it may need to decide if a person has a legal obligation to support the child for whom support is requested. Form B gives the court important information to help it make this decision.

Do not use this Form if:

- you already have a child support order requiring the Respondent to pay child support for the child named in your application; or
- you already have a court order which says the Respondent is the parent of the child.

Use this Form if:

- you believe the Respondent may not agree that he/she is a parent of the child; and/or
- you believe the Respondent may not agree that he/she has a legal obligation to support the child.

Tips

- The Forms you submit as part of your application will organize your information for the court. You should include as much information as possible so that the court can make an informed decision.
- All support order applications require you to complete either Form A.1 or A.2.
- Use the tables included in the FormSupport Introduction and General Information Guide or go to “FormSelect” at <http://nl.isoforms.ca/> to determine the additional Forms you need to complete.
- Use a working copy and a final copy when completing these Forms. To ensure that the final copy is neat and legible, only complete the final copy when satisfied with your responses.
- Include all copies of receipts, documents and other evidence that will help prove statements and claims you make. Documents provided will form part of the evidence for the matter and cannot be returned.
- Receipts and documents may contain address information that you may wish to remain confidential. If you choose to conceal the address information, ensure that you keep the originals in case the court requires that you provide them.
- After completing all of your Forms, you must swear to the accuracy of all the information that you provided – just like if you were in court providing the evidence in person.

For more information on family justice matters, visit www.Canada.ca/family-law or <http://www.justice.gov.nl.ca/just/divorce/index.html>

Filling out the Form

Section 1

Child's full name and date of birth

Begin by filling in the full name and birth date of the child for whom you are claiming support.

A completed Form B is required for each child for whom you are claiming child support.

Section 2

I am entitled to claim support for this child as I am the child's parent, guardian, or other person with responsibility for this child

This statement confirms that you have a right to claim child support. If appropriate, check this box (even though you were also instructed to do so when completing Form A.1 or Form A.2).

Section 3

I ask the court to find that the Respondent has an obligation to support the child

Check this box if you are asking for child support and you believe the Respondent will not dispute that he/she has an obligation to support the child.

If the parentage of this child is raised as an issue, I ask the court to determine that the Respondent is the parent of this child

Check this box if you want the court to determine parentage.

NOTE: If parentage must be determined before a child support order can be made and the other parent resides outside Canada or the United States the process can be become complicated. There may be other procedures that would work best in your

particular circumstance and it may be appropriate to seek legal advice and/or consider making an application to the court in your own province or territory asking for an order declaring the Respondent to be a parent of the child.

Section 4

I believe that the Respondent should acknowledge parentage of this child because

This section contains statements that courts commonly consider when determining parentage. Check all which apply and be prepared to provide documentation to support these claims.

The Respondent and I resided together as a couple for the period from ____ to ____ (dates)

These dates tell the court that you and the Respondent were living together at a time when the child could have been conceived.

The Respondent and I were married to each other, in a registered civil union, or lived together as a couple, at the time of this child's birth

When a couple is married to each other at the time of a child's birth, there is a presumption of parentage, in most courts.

The same is true for a "registered civil union" used in some jurisdictions. If you have a registered civil union, you went through formal steps to register your relationship with a government authority (not a church or other religious institution). Attach the certificate that proves your registered civil union.

My marriage to the Respondent ended by a court judgement or a Divorce Order, or we ceased to reside together within 300 days before the birth of this child

Children are typically born within 300 days of being conceived. This option applies if you and the Respondent were married, when the child was conceived, but your marriage ended before the child was born.

The Respondent has stated (in writing) that he/she is the parent of this child

The Respondent may have said, "I am the parent of this child", in writing at some point. If you have a written document (not a court order or birth registration), you can check this box and attach the document. The document could be a greeting card, a note, a letter, or a non-government form used where you worshipped together.

The Respondent is registered as a parent of this child on the birth registration or Vital Statistics records

When a child is born, the father's name is noted on some birth certificates (if he agrees to do so). This can help show parentage. You can get a copy of the child's birth certificate by contacting the government agency in the jurisdiction that records births where the child was born (in most places in Canada this office is called "Vital Statistics"). There may be a form to fill out and a cost to obtain the birth registration.

Genetic testing has been completed which shows the Respondent is a parent of this child

Sometimes the parents may disagree on parentage even before a child support claim is made. If there has been a genetic test which shows the Respondent is the parent, attach the test results.

The Respondent signed an acknowledgement of paternity of this child

There may be other documents that the Respondent has signed that acknowledge paternity, such as a baptism certificate.

The child was born using assisted reproduction and the Respondent's role was as follows

If assisted reproduction technology was used to conceive a child and the Respondent paid some or all of the costs involved with doing so, the court may consider this as evidence of parentage.

Other presumptions or rules permitted under the laws of my jurisdiction

If your jurisdiction has different presumptions or rules of parentage that are not noted above, include them here.

Section 5

Should the Respondent request genetic testing to confirm parentage of this child, I agree to cooperate and will make myself and the child, if in my custody, available for this testing

This statement tells the court that you will agree to have genetic testing (DNA or paternity test) done if the court orders it. If you refuse to participate in genetic testing when a court has ordered it, the court can refuse to make a declaration of parentage resulting in no support order being made.

Next, check one of the following statements which declare how you would like to proceed if the court orders genetic testing to confirm the child's parents.

I request that the Respondent is to be directed to make the arrangements for the genetic testing

Check this box if you want the Respondent to pay for and arrange the genetic testing.

I make the following suggestion regarding payment for genetic testing

Do you have any preference about who should pay for the testing? If so, write it here or attach a separate document with your explanation.

Genetic testing is not relevant to a determination of parentage based on the Respondent's role in assisted reproduction

Check this box if you know the Respondent is not the child's biological parent because assisted reproduction was used.

NOTE: Sections 5 and 6 are optional. They will be used if the Respondent disputes parentage and/or the obligation to support the child, or fails to appear for the hearing. If these sections are not completed and the court requires this information, your application may fail or you may be asked to complete it, resulting in a delay in the application process.

Section 6

I make the following statements to support my claim that the Respondent is the biological parent of the child, because

Check the box for Section 6 if any of the factual circumstances that are listed apply to you. Fill in and attach all requested information. Remember that the Respondent will receive a copy of this Form and you may be asked to prove that each statement is true.

Section 7

I was married to a person other than the Respondent at the time of the child's birth

Marriage is one of the presumptions of parentage. In this section, you can claim that you were married to someone else when the child was born.

In Subsection B, say why you **do not** believe your spouse at the time the child was born could be the biological parent of the child. You do not need to go into a lot of detail. For some, a statement like, "We separated on (date), and I did not have sexual intercourse with him/her after that," will be sufficient. You are telling the court why your spouse at the time could not be the biological parent. If you have any documentation to support this statement, you can attach it to this Form.

Section 8

The Respondent is not a biological parent of the child, but should be determined to have an obligation to support the child because

Check this box if the Respondent is not a biological parent of the child but you feel that he/she should still pay child support. Then check your reasons in the options below. Generally, the reasons concern common duties/tasks that are performed by a parent or someone acting in place of a parent. Fill in and attach all requested information.

Section 9

Information in support of a declaration of parentage/responsibility to support this child

Provide more information as requested and use additional pages, if needed. Be sure to check the “additional page(s) attached” box on the bottom right corner, if required.

Finish the Form

Finish completing the Form and sign where indicated. Make sure you attach all additional Forms and documents that you were requested to complete.