

**MAKING A SUPPORT OR SUPPORT VARIATION APPLICATION
OUTSIDE NEWFOUNDLAND AND LABRADOR (“NL”)**

- CHOOSING WHICH FORMS TO USE -

Introduction

NL has reciprocal agreements with all the Canadian provinces and territories, and with several foreign countries. This means that NL and each of the ‘reciprocating jurisdictions’ have agreed to recognize each other’s family support (maintenance) laws.

The NL law about reciprocity is the *Interjurisdictional Support Orders Act*, which is called ‘ISO’ as a short form. Each of the reciprocating jurisdictions has a similar ISO Act.

Using ISO, you can apply for a support order in one of the reciprocating jurisdictions without having to go there. You can also apply to change an existing support order. A person in one of the reciprocating jurisdictions can do the same thing. The person making the application does not usually have to go to court - the respondent (the person in the reciprocating jurisdiction) goes to court to *respond* to the application.

There are several forms available for applications using the ISO Act. Not all of the forms are needed for every application. By answering a few questions, you can pick the forms that you need.

1. **Where does the other person (the respondent) live?** _____

2. **Is this a ‘reciprocating jurisdiction’?**

Look at the list in the box below. If the respondent lives in one of the reciprocating jurisdictions, go to the next question. If your answer is ‘no’, you cannot use the ISO Act.

Reciprocating Jurisdictions (see the <i>Interjurisdictional Support Orders Regulations</i> for the official list of Reciprocating Jurisdictions and included territories)							
<p>In Canada All Canadian Provinces and Territories</p> <p>In the United States of America (*) All US States, the District of Columbia, Puerto Rico, Guam, American Samoa, and the US Virgin Islands</p> <p>In the United Kingdom (*) England, Scotland, Northern Ireland, Wales, Guernsey, Jersey, Isle of Man</p> <p>In Europe</p> <table style="width: 100%; border: none;"> <tr> <td style="width: 50%;">Austria</td> <td style="width: 50%;">Czech Republic</td> </tr> <tr> <td>Germany</td> <td>Malta</td> </tr> <tr> <td>Norway</td> <td>Poland</td> </tr> </table>	Austria	Czech Republic	Germany	Malta	Norway	Poland	<p>In Africa Zimbabwe</p> <p>In Asia Singapore</p> <p>Others Australia (*) New Zealand (*) New Guinea Papua</p>
Austria	Czech Republic						
Germany	Malta						
Norway	Poland						

* Note: The United Kingdom, Australia and New Zealand require special forms for applications. The United States also has special forms that should be used along with some of the ISO forms. These special forms are *not* available on the NL Department of Justice website. If your application is to the US, UK, Australia or New Zealand, contact the Support Enforcement Program for the appropriate forms.

3. What are you applying for? Which of these statements applies to you?

- I want to get an order for support for children, and/or myself. I **do not** have an order or written agreement which deals with support. Fill out **Section A**.
- I want to change an order or agreement that deals with support for children and/or myself. I am the person who **receives** support in the order or agreement I have now. Fill out **Section B**.
- I want to change or cancel the support in an order or agreement I have now. I am the person who is required to **pay** support in the order or agreement I have now. Fill out **Section C**.
- I want to change or cancel the support in my Divorce order. ***(If this statement applies to you, you cannot use the ISO Act for your application. The Divorce Act is a federal law and it has its own rules. Please get legal advice on how to change or cancel the support in your Divorce order.)***

Section A

Support Application - If you do not have a support order or written agreement now	√ if yes	Use Form(s)
I am applying for a support order		A and B
I am asking for support for child(ren) under age 19		E
I am asking for support for 1 or more children age 19 or older (CSG Amount)		E, L, K
I am asking for support for 1 or more children age 19 or older (not CSG Table Amount)		G, L, K
I am asking for support for 1 or more children and - the other parent and I have split custody of a child, or - the other parent and I have shared custody of a child, or - I am asking for a different amount than in the child support guideline tables, or - I believe the respondent makes more than \$150,000 per year		G
I want to change, or add, an amount for special expenses		H
I am asking that the respondent (the other person) be declared a parent of (how many) children (#____)		C
I believe the respondent may say he/she is not the parent of (how many) children (#____)		D

I want the court to make an order even if the respondent does not come to court, or give financial information (<i>recommended</i>)		F
I am asking for support for myself		J
If my choice includes any of Forms G, H or J		K

Section B

Support Variation Application - if you <u>receive</u> support	√ if yes	Use Form(s)
I am applying to change a support order I have now		A, B, M
I want to change the amount of child support		E
I want child support for (<i>how many</i>) children age 19 or older (_____)		G and L
I am asking that the amount of support change. - the respondent and I have split, or shared, custody, or - the child support guidelines table amount would cause hardship, or - I believe the respondent makes more than \$150,000 per year		G
I want to change, or add, an amount for special expenses		H
I want to change the amount of support for myself		J
If undue hardship may be claimed		K
I want the court to make an order even if the respondent does not come to court, or give financial information (<i>recommended</i>).		F
If my choice includes any of Forms G, H, or J		K

Section C

Support Variation Application - if you <u>pay</u> support	√ if yes	Use Form(s)
I am applying to change or cancel a support order I have now		A, B, K, M
I want the court to make an order even if the respondent does not come to court, or give financial information (<i>recommended</i>)		F
I want to change, or end, support for a child age 19 or older		I
I am asking that the amount of support change. - the respondent and I have split, or shared custody, or - the child support guidelines table amount would cause hardship.		I

You have now identified that you can use the ISO process and which forms you need to make your application to a court in a 'reciprocating jurisdiction'. Each of the forms has a matching

FormSupport guide which will help you fill in the forms. There are two ways to get the forms and guides:

1. Go to the Department of Justice website at <http://www.gov.nl.ca/just/> and print the forms and guides you need.
2. For a paper copy contact any court in your area which deals with family law matters.