

Support Application / Support Variation Application

This is the first of a series of forms and FormSupport guides for your application for a reciprocal support order. Form A is the first part of your application. It tells the court what you are asking for and who you are. It gives a brief summary of any court action involving support, and a history of your relationship with the respondent. It is a place for you to list all the other forms you are including. Finally, it is the document which is sworn/affirmed – it is your evidence, under oath, to the reciprocating jurisdiction which will make an order. The reciprocating jurisdiction is the place where the other person lives.

You will not fill out Form A all at once. Choices you make on Form A will send you to other forms and guides. As you finish one form you can come back and complete a section of Form A. Use the Worksheet section at the end of this FormSupport guide to make a note of any documents you need to get, or work to be done.

* * *

Filling out Form A

On Form A, and all the other forms, make sure you have a ‘working’ copy, and a ‘good’ copy. Put the ‘good’ copy aside to use later.

1. The first step is deciding what kind of application this is. If it’s a ‘first’ application – where there has never been a court order or written agreement about support – you check off the ‘Support Application’ box. If you have an order, and you want to change the support part, check off the ‘Support Variation Application’ box.
2. You are the person applying for an order. Fill in the first large block of information with your name, addresses, telephone number, and fax number (if you have one). If you need to keep your address confidential or if you are concerned about the Respondent getting your address, you may wish to use another address to receive documents. Check off **one** of the three boxes at the bottom of the block. The other person (Respondent) *will* get a copy of your application, and it will be in a court file.

3. Fill in the information about the respondent. The respondent is the ‘other person’. You must have an address for the respondent, and it must be in a “reciprocating jurisdiction”.
4. Under the two big blocks of information there is a statement about social assistance (income support or welfare). Please read it carefully. If you are receiving social assistance, or have in the past, or the respondent is or may be, or has in the past, check off the box which applies. When a person receives social assistance the right to apply for or change a support order is usually “assigned” to the government. By checking off one of these boxes the court will let the social assistance agency know that an application has been made.

Your claim

The bottom part of the first page of Form A is the claim. It’s a very brief way of telling the court, and the respondent, what you are asking for. For each claim you will fill out at least one other form. You should fill out the other forms before filling in the claim part. After you fill out a form you will come back to Form A with the information you need for your claim. Each of the forms has its own FormSupport guide. If your claim is:

For SUPPORT

Use this part if you *do not* have a support order or written agreement now. Look at the FormSupport Introduction guide which came with this package. It will tell you which forms you need for each type of claim.

For SUPPORT VARIATION

Use this part if you *have* a support order or written agreement now, and you want to change it. Look at the FormSupport Introduction guide which came with this package. It will tell you which forms you need for each type of claim.

Legal Authority on which my application is based

After you read the two choices, you may say: “How am I supposed to know which law to ask for?” And that’s a very good question. For two places to agree to recognize and honour each other’s laws

(reciprocate), they must first have family support laws that are similar. But there can be differences which are important to you. For that reason, you can ask the court to look at your law too. Some examples will help:

Examples:

1. In NL the ‘age of majority’ for a child is 19. In about half of the other provinces and territories, it’s age 18. A NL claimant with an 18-year-old will want to apply for support using the Child Support Guidelines – which apply until a child is the ‘age of majority’. If the respondent (the other person) lives in a jurisdiction where the ‘age of majority’ is 18, the claimant will check the first box, and ask the court to look at NL’s law about ‘age of majority’.
2. The Canadian provinces and territories have different laws about who is a ‘parent’ of a child. Sometimes there are time limits to apply for support if the other person is not a biological (or natural) parent, or if the parents did not live together for a certain period of time, or if there is also a biological parent involved. When it comes to child support, the court will look at the law that is best for the child. If you do not know the laws of NL and the reciprocating state, you may want to talk to a lawyer. Or, you can check the first box.
3. If the respondent is in a foreign country the Child Support Guidelines may not apply, and the laws about support are more likely to be different. The ‘age of majority’ may be different, or not apply at all. It may also be more difficult to get a copy of that country’s laws. The court in the foreign reciprocating jurisdiction does not have to follow the NL law, even if you check the first box, but will have it and know what a NL court would have looked at.
4. If you are applying for support for yourself, or are asking to change an existing support order, the laws are complex. Who gets support, how long it lasts, the ‘tests’ the court looks at when it makes or changes a non-child support order – these are different in all reciprocating jurisdictions. Again, if you check the first box, the court will take a look at the NL law, but is not required to follow it.

This FormSupport guide cannot give you legal advice. In the end, the court in the reciprocating jurisdiction will make an order using its own laws. For child support, it will look at the best interests of the child. For a straight forward child support or variation application in Canada, the laws are much the same across the country.

If your application is to a foreign country, or involves an older child, or is for support (or variation of support) for a non-child (also called ‘spousal’ support), it may be wise to let the court know what NL’s laws are.

Case History: Previous Court Orders or Agreements

Remember that Form A is a summary. The court can look at the form and see who you and the respondent are, and what you are asking for. In this section you are telling the court about any court action or agreements about support. If you and the respondent have any orders or agreements which deal with a declaration of parentage, or support, this is where you let the court know.

Read through the list first. More than one of the choices may apply to you. If you have never had an order or agreement, check the first box. The second box is about court orders (including adoption orders). The third box is about written agreements. If you have an order or agreement, you must attach a certified copy.

The last three boxes are about divorce action. Pick the one that applies to you.

About certified copies

The court that makes an order has the original order, signed by the judge, on its file. A certified copy is a copy made by the court from the original order. It has a stamp on it saying it is certified by the court. The stamp has an original signature from a court official.

If a written agreement is registered with a court, the court can make a certified copy of the agreement. Like the order, it will be stamped as certified by the court, and the stamp will have an original signature of a court official.

If you have a copy that your lawyer sent you, it is probably **not** certified. You can get a certified copy from the court which made your order, or where the written agreement was registered. Tell the court you need the certified copy for “reciprocal registration”.

Form A

Court File #: _____
Court Location: _____
REMO/RESO/ISO # _____
Date Filed: _____
Court Use Only

This is a:

- SUPPORT APPLICATION, or**
 SUPPORT VARIATION APPLICATION.

This application is made pursuant to the *Interjurisdictional Support Orders Act* [SNL 2002, c. I-19.2]

Person applying for an order:

(Last Name)	(First Name)	(Middle Names)
(Street address and City/Town)		
(Province and Postal Code)		(daytime telephone)
(Mailing Address, if different than street address)		(fax number)
These are: <input type="checkbox"/> my own address(es), or <input type="checkbox"/> c/o my lawyer, or <input type="checkbox"/> c/o another person		

Person responding to this application (the respondent) is:

(Last Name)	(First Name)	(Middle Names)
(Street address and City/Town)		
(Province and Postal Code)		(daytime telephone)
(Mailing Address, if different than street address)		(fax number)
These are: <input type="checkbox"/> home address(es), or <input type="checkbox"/> c/o a lawyer, or <input type="checkbox"/> c/o another person		

A government or government agency may wish to be informed of and/or participate in this application (if its laws allow) because: I am receiving social assistance (income support or welfare) now, or have in the past, or The respondent is/may be receiving social assistance (income support or welfare) now, or has in the past

I ask the Court to include in its order:

For SUPPORT

- A determination that the respondent is the parent of the child(ren) named in this application.
- Child support. If the respondent does not file sufficient financial information, or respond, a child support order for a total of \$_____ per month, starting as of _____
- That the respondent obtain and maintain medical and/or dental insurance coverage for the child(ren) and/or myself
- Support for myself of \$_____ per month starting as of _____
- Other (specify): _____

I ask the Court to include in its order:

For SUPPORT VARIATION

- A change or variation in the amount of support in the current support order or agreement, from \$_____ per month, to \$_____
- A change in the amount of unpaid support arrears owing under the current support order(s) or agreement(s), and that the arrears be 'fixed' or set at \$_____ as of _____.
- The termination of the obligation to pay support for (name) _____, as of _____
- Other (specify): _____

Legal Authority on which my application is based: (check one)

- A copy of the statute or legal authority is attached. I ask the Court to take notice of it when making its order.
- I rely on the law of the jurisdiction hearing this case.

Case History: Previous Court Orders or Agreements (check all that apply):

- There are no court orders or agreements involving the respondent, the child(ren) and me.
- There are court order(s) involving the respondent, the child(ren) and me. A copy of each court order is attached.
- There is a written agreement involving the respondent, the child(ren) and me. A copy of the agreement, and any changes to it, is attached.
- There is no Divorce action in progress.
- There is a Divorce action in progress. It does not include a claim for support.
- A Divorce order has been made; it does not deal with support. A copy is attached.

Family History (check all that apply):

- The respondent and I never lived together
- The respondent and I have a child or children together
- The respondent and I started living together on _____
- The respondent and I were married on _____
- The respondent and I entered into a formal, legally-recognized, relationship by registering our civil union or domestic partnership on _____
- The respondent and I separated on _____
- The respondent and I were divorced by an order dated _____

The following documents are attached to and form part of the evidence in this application:

(check all that apply)

Office use only

For Support and Support Variation applications		
<input checked="" type="checkbox"/>	Identification Information (required)	Form B
<input type="checkbox"/>	Evidence of Parentage	Form C
<input type="checkbox"/>	Statements to Support a Declaration of Biological Parentage (disputed)	Form D
<input type="checkbox"/>	Child Support Claim	Form E
<input type="checkbox"/>	Request for a Support Order (if no financial information)	Form F
<input type="checkbox"/>	Request for a Child Support Order (different than child support guidelines)	Form G
<input type="checkbox"/>	Special Expense Claim	Form H
<input type="checkbox"/>	Request to Pay Child Support (different than child support guidelines)	Form I
<input type="checkbox"/>	Support for Claimant / Applicant	Form J
<input type="checkbox"/>	Financial Statement	Form K
<input type="checkbox"/>	Child Status and Financial Statement	Form L
<input type="checkbox"/>	Evidence to Support Variation of a Support Order	Form M
Other Documents attached		
<input type="checkbox"/>	Legal or Statutory Authority for application	
<input type="checkbox"/>	All Support Orders or Written Agreements between the parties, or relating to any child for whom support is claimed	
<input type="checkbox"/>	Documents required by the jurisdiction hearing this application	

<input type="checkbox"/>	Other (list)	
<input type="checkbox"/>		
<input type="checkbox"/>		
<input type="checkbox"/>		
<input type="checkbox"/>		
<input type="checkbox"/>		
<input type="checkbox"/>		
<input type="checkbox"/>		
<input type="checkbox"/>		
<input type="checkbox"/>		
<input type="checkbox"/>		
<input type="checkbox"/>		
<input type="checkbox"/>		
<input type="checkbox"/>		
<input type="checkbox"/>		
<input type="checkbox"/>		
<input type="checkbox"/>		

I, _____ make oath or affirm and say that the information and facts contained in this application, including the attached forms, are true. I am making this application in good faith.

SWORN OR AFFIRMED BEFORE ME

At the _____ of _____

In the Province of _____

On _____, 200____.

**A Notary Public
Newfoundland and Labrador**

Claimant's/Applicant's Signature