

# **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 or access 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>	<i>Page Number</i>
FD 1	statement of contact information and circumstances	6
FD 2	parenting statement	10
FD 3	statement of income	13
FD 4	statement of special or extraordinary expenses	17
FD 5	statement of undue hardship circumstances	19
FD 6	statement of expenses	22
FD 7	statement of property	26
FD 8	notice of motion for directions (family)	30
FD 9	affidavit supporting a motion for directions (family)	31
FD 10	request for a date assignment conference (divorce)	34
FD 11	waiver of financial statements	39
FD 12	affidavit supporting an uncontested divorce	40
FD 13	notice of motion for interim relief (family proceedings)	44
FD 14	<i>ex parte</i> motion (family proceedings)	46

## **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 maintenance 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,

“child support/maintenance” means the term “child support” is to be used in any order made under the *Divorce Act* and *Federal Child Support Guidelines* and the term “child maintenance” is to be used in any order under the *Maintenance and Custody Act* and provincial *Child Maintenance Guidelines*;

“*Guidelines*” means the *Federal Child Support Guidelines* or the provincial *Child Maintenance 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 or maintenance;

“recipient” means the party receiving support or maintenance;

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

“spousal support/maintenance” means the term “spousal support” is to be used in any order made under the *Divorce Act* and the term “spousal maintenance” is to be used in any order made under the *Maintenance and Custody Act*;

“table amount” means an amount of child support/maintenance 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 *Maintenance and Custody 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 or maintenance 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 a paternity test made by a court officer under Rule 59.55;
- (e) order for an assessment under Rules 59.38(5)(d).

**(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>	<i>Page Number</i>
FDO 1	interim order for child support or maintenance	48
FDO 2	divorce order	50
FDO 3	corollary relief order	52
FDO 4	order (family proceeding)	57
FDO 5	order for a paternity test	62
FDO 6	order for an assessment	64

### **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, access and spousal support, as well as property division.

### **Order (family proceeding)**

- 4.07** (1) The provincial *Child Maintenance Guidelines* set out specific requirements for the contents of an order for child maintenance made under the *Maintenance and Custody Act*.
- (2) Form FDO 4 is to be used for an order made for child maintenance at the table amount under the provincial *Child Maintenance Guidelines*, or for child maintenance 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 maintenance order is made.
- (4) Form FDO 4 also provides clauses for relief relating to custody, access 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/maintenance 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/maintenance on income**

Spousal support/maintenance 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/maintenance 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/maintenance 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/maintenance through health plan**

Section 6 of the *Guidelines* provides for insurance coverage to be a term of child support/maintenance. Any affidavit relating to child support/maintenance 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/maintenance**

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/maintenance**

If spousal support or maintenance 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 maintenance] .

The post-dated cheques must be sent by [name of party paying maintenance] 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.

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/maintenance] .

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/maintenance] to [name] pursuant to the *Federal 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/maintenance 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/maintenance purposes and parties are free to agree to a higher amount.

### **Undue Hardship**

[name] , resident of Nova Scotia, has an annual income of \$ amount [ and his/her spouse/common law 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/maintenance] and [his/her] household standard of living.

[name] has an annual income of \$ amount [ and his/her spouse/common law 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/maintenance] pursuant to the [Federal Child Support Guidelines/provincial Child Maintenance Guidelines] and in accordance with the Nova Scotia table in the amount of \$ [amount] per month.

[name] must therefore pay child [support/maintenance] 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**

[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/maintenance] 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. If the child has income, then the budget deficit is what is shared between the parents.

### **Child 19 or Over**

3 [name] must pay to [ name /the child, name ,] pursuant to section 3(2)(b) of *Federal Child Support Guidelines* the amount of \$ [amount] per month for the [support/maintenance] 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**

[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/maintenance] .

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/maintenance] of the [child/children name/names ] the table amount of \$ [amount] , and [name 2] would otherwise pay to [name 1] for the [support/maintenance] 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/maintenance] to [name] in the amount of \$ [amount] per month, payable on the first day of each month, and commencing , which amount is less than it otherwise would have been as a result of giving priority to child [support/maintenance] .

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).

**Form FD 1**

20

No.

Supreme Court of Nova Scotia  
(Family Division)

Between: [copy standard heading]

[name]

[Applicant/Petitioner]

and

[name]

Respondent

**Statement of Contact Information and Circumstances**

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.

<b>Section A</b>	<b>Information about you. (APPLICANT)</b>	<b>Information about the person against whom you are making this application. (RESPONDENT)</b>
<b>Name</b>	Last Name:..... First Name:..... Middle Name:..... Other/Previous Names:.....	Last Name:..... First Name:..... Middle Name:..... Other/Previous Names:.....
<b>Gender</b>	<input type="checkbox"/> Male <input type="checkbox"/> Female	<input type="checkbox"/> Male <input type="checkbox"/> Female
<b>Birth Date</b>	Day____Month_____Year_____	Day____Month_____Year_____
<b>Telephone Email Fax</b>	Home..... Business..... Message..... Other..... Email..... Fax.....	Home..... Business..... Message..... Other..... Email..... Fax.....

<b>Address</b>	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:..... .....
<b>Legal Counsel</b>	<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:.....
<b>Current Marital Status</b>	<input type="checkbox"/> Married <input type="checkbox"/> Divorced <input type="checkbox"/> Separated <input type="checkbox"/> Common law relationship <input type="checkbox"/> Single	<input type="checkbox"/> Married <input type="checkbox"/> Divorced <input type="checkbox"/> Separated <input type="checkbox"/> Common law relationship <input type="checkbox"/> Single
<b>Income</b>	<input type="checkbox"/> Employment Income (salary/wages) <input type="checkbox"/> Commission/Bonuses/Overtime <input type="checkbox"/> Self-employed <input type="checkbox"/> Income from a Partnership/Corporation <input type="checkbox"/> Employment Insurance <input type="checkbox"/> Social Assistance/Family Benefits <input type="checkbox"/> Worker's Compensation <input type="checkbox"/> Pension Income <input type="checkbox"/> Income from a Trust <input type="checkbox"/> Other Explain:.....	<input type="checkbox"/> Employment Income (salary/wages) <input type="checkbox"/> Commission/Bonuses/Overtime <input type="checkbox"/> Self-employed <input type="checkbox"/> Income from a Partnership/Corporation <input type="checkbox"/> Employment Insurance <input type="checkbox"/> Social Assistance/Family Benefits <input type="checkbox"/> Worker's Compensation <input type="checkbox"/> Pension Income <input type="checkbox"/> Income from a Trust <input type="checkbox"/> Other Explain:.....

<b>Occupation</b>	Occupation..... ..... <b>Employer Information</b> Name:..... Address:..... ..... Phone Number:..... Email:..... Fax:..... <input type="checkbox"/> Other Places of Employment .....	Occupation..... ..... <b>Employer Information</b> Name:..... Address:..... ..... Phone Number:..... Email:..... Fax:..... <input type="checkbox"/> Other Places of Employment .....
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<b>Section B</b>	<b>Relationship Between Applicant and Respondent</b>
<input type="checkbox"/> <b>Married</b> <b>Date of Marriage:..</b> ..... <b>Date of Separation:..</b> ..... <input type="checkbox"/> <b>Common Law</b> <b>Date common-law relationship began:</b> ..... <b>Date of Separation:..</b> ..... <input type="checkbox"/> <b>Divorced</b> <b>Date of Divorce Judgment:..</b> ..... <input type="checkbox"/> <b>Single</b> <input type="checkbox"/> <b>Parent of Applicant's Child</b> <input type="checkbox"/> <b>Other</b> <b>Explain:..</b> .....	

<b>Section C</b>	<b>List below the full names and dates of birth of all children who are the subject of this Application.</b>			
<b>Last Name</b>	<b>Given Names (underline name used)</b>	<b>Date of Birth</b>	<b>Gender (M/F)</b>	<b>Presently Living With:</b>

<b>Section D</b>	<b>Most Recent Court Order or Written Agreement</b>
<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>	

**Form FD 2**

20

No.

Supreme Court of Nova Scotia  
(Family Division)

Between: [copy standard heading]

[name]

[Applicant/Petitioner]

and

[name]

Respondent

**Parenting Statement**

Please Check the Box that Applies to You:

I am the Applicant (the person making an application)

*OR*

I am the Respondent (the person responding to an application)

This matter relates to the following child or children:

Full Name (Including Middle Name)

Age

Birthdate (M/D/Y)

- 1) \_\_\_\_\_
- 2) \_\_\_\_\_
- 3) \_\_\_\_\_
- 4) \_\_\_\_\_

The child or children receive child care or attend pre-school or school as follows:

Child's Name

Days

Hours

Location

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The following child or children have special needs or disabilities that may affect custody, access or parenting arrangements:

<u>Child's Name</u>	<u>Special Needs or Disabilities</u>	<u>Details</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____

The present parenting arrangements for each child:

a) Where does each child live now?

\_\_\_\_\_  
\_\_\_\_\_

b) What are the visiting arrangements for each child now?

\_\_\_\_\_  
\_\_\_\_\_

The proposed parenting arrangements for each child:

a) Where do you want each child to live?

\_\_\_\_\_  
\_\_\_\_\_

b) What visiting arrangements do you want for each child?

Reasonable access (flexible visiting rights that you both agree to)

\_\_\_\_\_  
\_\_\_\_\_

Specified access (if so, give specific details including dates, times, conditions):

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Supervised access (visiting that takes place with another adult present), if so, give specific details (who would supervise/ where and when):

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

- Other terms/conditions that you would like the Court to order related to access:

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Do you or the other parent work outside the home, if so what are the days and hours of work?

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

**Signature**

Signed

, 20

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Signature of [name]  
Print name:

**Form FD 3**

20

No.

Supreme Court of Nova Scotia  
(Family Division)

Between: [copy standard heading]

[name]

[Applicant/Petitioner]

and

[name]

Respondent

**Statement of Income  
of [name] prepared on [date]**

I [make oath/affirm] and give evidence as follows:

- The following chart converts my gross income as stated on my filed or attached [pay stub / describe document ] 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:

<b>GROSS MONTHLY INCOME</b> (from the Monthly Conversion Chart)	<b>AMOUNT</b>	<b>COMMENTS</b>
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 -		
<b>L) SUB TOTAL</b>		
M) Deduct Union Dues		
N) Deduct Other Schedule III Adjustments		
<b>O) TOTAL MONTHLY INCOME</b> (FOR TABLE AMOUNT CHILD MAINTENANCE/SUPPORT)		
P) Child Tax Benefit		
Q) GST Credit		
<b>R) TOTAL MONTHLY INCOME</b>		

<b>Total Monthly Income for table amount:</b>	<b>(Line O, above)</b>	\$ _____
		<b>X 12</b>
<b>Total Annual Income for table amount:</b>		\$ _____

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 \_\_\_\_\_, )  
 )  
 )  
 )

\_\_\_\_\_  
 Signature of Authority  
 Print Name:  
 Official Capacity:

\_\_\_\_\_  
 Signature of [name]

Supreme Court of Nova Scotia  
(Family Division)

Between: [copy standard heading]

[name]

[Applicant/Petitioner]

and

[name]

Respondent

**Statement of Special or Extraordinary Expenses  
of [name] prepared on [date]**

I [*make oath/affirm*] and give evidence as follows:

1. I am claiming an amount to cover special or extraordinary expenses for one or more of the following reasons (indicate which of the following you are claiming):
  - a) child care expenses incurred as a result of my employment, illness, disability or education or training for employment;
  - b) that portion of the medical and dental insurance premiums attributable to the child;
  - c) health-related expenses that exceed insurance reimbursement by at least \$100 annually, including orthodontic treatment, professional counselling provided by a psychologist, social worker, psychiatrist or any other person, physiotherapy, occupational therapy, speech therapy and prescription drugs, hearing aids, glasses and contact lenses;
  - d) extraordinary expenses for primary or secondary school education or for any educational programs that meet the child's particular needs;
  - e) expenses for post-secondary education; or
  - f) extraordinary expenses for extracurricular activities.

2. The child's name that each expense relates to, the details of each type of expense I am claiming, and the total amount of each expense per month are:

<u>Child's Name</u>	<u>Details of Each Expense</u>	<u>Total Amount of Expense</u>
1. _____	_____	\$ _____ per month
2. _____	_____	\$ _____ per month
3. _____	_____	\$ _____ per month
4. _____	_____	\$ _____ per month
5. _____	_____	\$ _____ per month

3. I attach receipts or other documentation which show the amount of the expenses I am claiming for each child.

4. I am unable to obtain receipts or other documentation, for the following reasons:

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

5. I am eligible to claim or I receive the following subsidies, benefits or income tax deductions or credits relating to the above expenses: (provide details)

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

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

\_\_\_\_\_  
 Signature of Authority  
 Print Name:  
 Official Capacity:

\_\_\_\_\_  
 Signature of [name]

Supreme Court of Nova Scotia  
(Family Division)

Between: [copy standard heading]

[name]

[Applicant/Petitioner]

and

[name]

Respondent

**Statement of Undue Hardship Circumstances  
of [name] prepared on [date]**

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 \*[year] 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 \*[year] 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 or maintenance 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 or maintenance 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 \_\_\_\_\_, )  
)  
)  
)  
)

\_\_\_\_\_  
Signature of Authority  
Print Name:  
Official Capacity:

\_\_\_\_\_  
Signature of [name]

**Form FD 6**

20

No.

Supreme Court of Nova Scotia  
(Family Division)

Between: [copy standard heading]

[name]

[Applicant/Petitioner]

and

[name]

Respondent

**Statement of Expenses  
of [name] prepared on [date]**

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**

<b>EXPENSES</b>	<b>MONTHLY BUDGETED EXPENSES</b>	<b>COMMENTS</b>
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		

<b>EXPENSES</b>	<b>MONTHLY BUDGETED EXPENSES</b>	<b>COMMENTS</b>
13. Laundry and Dry-Cleaning		
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. Child Access 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		

<b>EXPENSES</b>	<b>MONTHLY BUDGETED EXPENSES</b>	<b>COMMENTS</b>
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 -		
35. Other -		
<b>SUB-TOTAL</b>		
Debt Payments:		
36		
37		
38		
<b>SUB-TOTAL</b>		
39. Income Source Deductions, excluding Income Tax		
1. CPP		
2. EI		
3. Pension		
4. Union Dues		
5. Medical Plan		
6. Other -		
<b>TOTAL EXPENSES</b>		
<b>SUMMARY</b>		
Total Income Before Tax (from Statement of Income)		
Less: Total Expenses (from above)		
Surplus (Deficit) Before Tax		
Less: Income Tax (Attach Calculations)		
<b>SURPLUS (DEFICIT)</b>		

[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.*

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

\_\_\_\_\_  
Signature of Authority

Print Name:  
Official Capacity:

\_\_\_\_\_  
Signature of [name]

**Form FD 7**

20

No.

Supreme Court of Nova Scotia  
(Family Division)

Between: [copy standard heading]

[name]

[Applicant/Petitioner]

and

[name]

Respondent

**Statement of Property  
of [name] prepared on [date]**

I [make oath/affirm] and give evidence as follows:

1. The particulars of all my property and debts and of all my property and debts that I hold jointly with [name] are accurately set out below, to the best of my knowledge, information and belief.

**Real Estate**

---

**Ownership**

**Nature and Address of Real Estate**

**Value as of [date]**

**Household items**

---

[Show items by major category, e.g. appliances, furniture and household effects, jewellery, etc. List major items in each category and identify which party currently has possession of the item.]

**Category**

**Possession**

**Major Items**

**Value as of [date]**

## **Vehicles**

---

[Give make, model and year for automobiles, boats and other vehicles and identify which party currently has possession of the vehicle and current market value.]

<b>Make, Model and Year</b>	<b>Possession</b>	<b>Value as of [date]</b>
-----------------------------	-------------------	---------------------------

## **Pensions**

---

[If you have a pension, attach your most recent annual pension statement and any further information you have explaining your pension plan.]

<b>Category</b>	<b>Institution</b>	<b>Value as of [date]</b>
-----------------	--------------------	---------------------------

## **R.R.S.P.s**

---

[If you have a registered retirement savings plan, specify the institution where it is held, the account number and the present amount. Attach any recent statements from the institution where your RRSP is held.]

<b>Category</b>	<b>Institution</b>	<b>Account Number</b>	<b>Value as of [date]</b>
-----------------	--------------------	-----------------------	---------------------------

### **Savings and other accounts**

---

[Show all accounts, setting out the type of account, in what names it is held, the financial institution where it is held, the account number and the present amount in the account. Even if there no current balance in the account, provide the particulars and indicate a zero balance. Any other savings or cash holding, other than securities should be shown here.]

<b>Category</b>	<b>Institution</b>	<b>Account Number</b>	<b>Value as of [date]</b>
-----------------	--------------------	-----------------------	---------------------------

### **Securities**

---

[Show items by category, e.g. shares, bonds, mutual funds, warrants, options, debentures, notes and any other securities and identify if it is held in your name or jointly. Set out category, description, number, and estimated market value.]

<b>Category</b>	<b>Number</b>	<b>Description</b>	<b>Estimated Value as of [date]</b>
-----------------	---------------	--------------------	-------------------------------------

### **Life and Disability Insurance**

---

[Set out company, policy number, owner, beneficiary, face amount and cash surrender value, if any.]

<b>Company</b>	<b>Policy No.</b>	<b>Owner</b>	<b>Beneficiary</b>	<b>Face Amount</b>	<b>Cash Surrender Value as of [date]</b>
----------------	-------------------	--------------	--------------------	--------------------	--

### **Accounts Receivable**

---

[Give particulars of all debts owing to you.]

<b>Particulars</b>	<b>Amount as of [date]</b>
--------------------	----------------------------

### **Business Interests**

---

[Show any interest in a business, whether incorporated or unincorporated, not set out above. Set out the nature of the firm or company, your interest and its current estimated value.]

<b>Nature of Firm or Company</b>	<b>Interest</b>	<b>Estimated Value as of [date]</b>
----------------------------------	-----------------	-------------------------------------

### **Other**

---

[Show any other property not included in the above categories.]

<b>Category</b>	<b>Estimated Value as of [date]</b>
-----------------	-------------------------------------

### **Debts**

---

[Show debts by category, e.g. mortgages, loans, credit cards, charges, liens and notes payable. Include any contingent liabilities such as guarantees. Show the identity of any property affected by any mortgages or charges. Set out category, particulars of the debt (including whether a joint debt or not, interest rate, term or number of payments remaining, any property affected, and present amount.)

<b>Category</b>	<b>Institution</b>	<b>Particulars</b>	<b>Amount Owning as of [date]</b>
-----------------	--------------------	--------------------	-----------------------------------

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

\_\_\_\_\_  
Signature of Authority  
Print Name:  
Official Capacity:

\_\_\_\_\_  
Signature of [name]

**Form FD 8**

20

No.

Supreme Court of Nova Scotia  
(Family Division)

Between: [copy standard heading]

[name]

Applicant

and

[name]

Respondent

**Notice of Motion for Directions (Family)**

**To:** [name of each party entitled to notice]

**Motion for date and directions**

At [a.m./p.m.] on \_\_\_\_\_, 20\_\_\_\_, the applicant will appear before a judge in court at the courthouse at \_\_\_\_\_, [Street/Avenue] \_\_\_\_\_, Nova Scotia, to make a motion for an order giving directions and appointing a time, date, and place for the hearing.

**If you fail to attend**

The judge may provide directions in your absence if you or your counsel fail to attend.

**Affidavit on motion for directions**

The applicant files the affidavit of [name] \_\_\_\_\_, sworn on \_\_\_\_\_, 20\_\_\_\_, as evidence on the motion for directions. A copy of the affidavit is delivered to you with this notice.

**Signature**

Signed \_\_\_\_\_, 20\_\_\_\_

\_\_\_\_\_  
Signature  
Print name:

Supreme Court of Nova Scotia  
(Family Division)

Between: [copy standard heading]

[name] Applicant

and

[name] Respondent

**Affidavit supporting a Motion for Directions (Family)**

I [make oath/affirm] and give evidence as follows:

- 1. I am [name] the [applicant / respondent] and I filed a [notice of application / notice of variation application / response to application / response to variation application] on , 20 .
- 2. I have personal knowledge of the evidence [sworn to /affirmed] in this affidavit except where otherwise stated to be based on information or belief.
- 3. I state, in this affidavit, the source of any information that is not based on my own personal knowledge, and I state my belief of the source.
- 4. I have made a motion, filed on , 20 , for an order giving directions and appointing a time, date, and place for the hearing, and this affidavit provides the required supporting evidence.
- 5. There are [no persons who have an interest in the application other than the parties / the following persons who may have an interest in the matters raised by the application: provide names ] .
- 6. I expect to file [no affidavits from witnesses. / affidavits from the following witnesses, dealing with the following subjects:]

<i>Name of witness</i>	<i>Subject</i>

7. I know that the following other persons may have relevant information:

<i>Name of witness</i>	<i>Possible subject</i>

8. I [*do not anticipate discovering any witnesses. / anticipate discovering the following witnesses:* [list names] .]

9. I have filed all statements, documents, and information required by the *Nova Scotia Civil Procedure Rules*, and the applicable legislation, as follows:

- parenting statement filed on \_\_\_\_\_, 20
- statement of income filed on \_\_\_\_\_, 20
  - attached supporting documents as required and listed in the statement
- statement of special or extraordinary expenses filed on \_\_\_\_\_, 20
  - attached supporting documents as required and listed in the statement
- statement of undue hardship circumstances filed on \_\_\_\_\_, 20
  - attached supporting documents as required and listed in the statement
- statement of expenses filed on \_\_\_\_\_, 20
  - attached supporting documents as required and listed in the statement
- statement of property filed on \_\_\_\_\_, 20
  - attached supporting documents as required and listed in the statement
- pre-hearing brief filed on \_\_\_\_\_, 20
- affidavit of [name] filed on \_\_\_\_\_, 20

other affidavits and documents [give specifics, filing date, and indicate if each document was filed in support of a motion and whether a request will be made to rely on the document at the hearing]

10. I have received a copy of the [response to application/response to variation application] filed on \_\_\_\_\_, 20\_\_\_\_, by the other [party/parties], [name or names].

OR

10. I do not know whether the other [party/parties], [name or names], [has/have] filed a [response to application/response to variation application] as I have not received any copy of a filed response.

11. I have received a copy of the following statements, documents, and information required by the *Nova Scotia Civil Procedure Rules*, and the applicable legislation filed on \_\_\_\_\_, 20\_\_\_\_, by the other [party/parties], [name or names]: [specify documents from above list including filing dates].

12. I require the following statements, documents, and information from the other [party/parties], [name or names], and I believe that these are also required by the *Nova Scotia Civil Procedure Rules*, and the applicable legislation: [specify documents from above list].

13. To my knowledge, the following information may significantly affect the time needed to prepare for the hearing and the length of the hearing itself: [identify information and include, if applicable, details as required under Rule 5.07(4)(e) to (g)].

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

\_\_\_\_\_  
Signature of Authority

Print Name:  
Official Capacity:

\_\_\_\_\_  
Signature of [name]

Supreme Court of Nova Scotia  
(Family Division)

Between: [copy standard heading]

[name]

[Applicant/Petitioner]

and

[name]

Respondent

**Request for Date Assignment Conference (Divorce)**

**Party’s request**

The [petitioner/respondent] , [name] , requests the court to provide a date assignment conference.

**Requirements for request**

The pleadings have closed and both parties have completed all of the following:

- filed all statements and documents to make disclosure as required by *Civil Procedure Rule 59* or the *Child Support Guidelines*;
- discovered all individual parties of whom they require discovery, discovered at least the designated manager or one other officer or employee from any corporate party of whom they require discovery and answered interrogatories required to be answered by or on behalf of the party;
- prepared for trial sufficiently that there is little risk that the trial will be adjourned to allow further preparation or to permit a party to take a further step in the proceeding.

OR

The pleadings have closed and the [petitioner/respondent] , [name] , has completed all of the following:

- filed all statements and documents to make disclosure as required by *Civil Procedure Rule 59* or the *Child Support Guidelines*;
- discovered all individual parties of whom they require discovery, discovered at least the designated manager or one other officer or employee from any corporate party of whom they require discovery and answered interrogatories required to be answered by or on behalf of the party;
- prepared for trial sufficiently that there is little risk that the trial will be adjourned to allow further preparation or to permit a party to take a further step in the proceeding.

The other party, [name] , [respondent/petitioner] , has not completed these required steps and [provide an explanation of why this is not necessary or possible, and all steps taken to obtain the required information] .

OR

The party making this request is permitted to do so by order dated \_\_\_\_\_, 20\_\_\_\_ .

**Pleadings**

[list all pleadings in chronological order]

<i>Date</i>	<i>Pleading</i>	<i>Brief Description of Relief Sought</i>
	[Petition for Divorce]	
	[Answer]	

**List of orders**

[list all orders in chronological order]

<i>Date</i>	<i>Order</i>	<i>Description</i>

**Status of action**

The status of procedures in relation to this divorce action is [as provided in the section on **Requirements for request for disclosure**, and there are no outstanding discoveries or expert opinion. / describe generally, including the status of the disclosure, discoveries, and expert opinion .]

**Future procedures**

This party foresees the parties being engaged in the following procedures before trial: [describe all procedures that may be engaged by any party, including holding a discovery, delivery of an expert’s report, and making a motion.]

**Statements and documents filed**

The evidence in support of the request is as follows:

- marriage certificate [if marriage certificate cannot be produced, an affidavit must be filed proving the marriage and providing sufficient reasons for not proving it by certificate, or an order waiving the requirement of producing the marriage certificate]
- affidavit proving the other party was notified of the proceeding
- parenting statement filed on \_\_\_\_\_, 20\_\_\_\_
- statement of income filed on \_\_\_\_\_, 20\_\_\_\_
  - attached supporting documents as required and listed in the statement
- statement of special or extraordinary expenses filed on \_\_\_\_\_, 20\_\_\_\_
  - attached supporting documents as required and listed in the statement
- statement of undue hardship circumstances filed on \_\_\_\_\_, 20\_\_\_\_
  - attached supporting documents as required and listed in the statement
- statement of expenses filed on \_\_\_\_\_, 20\_\_\_\_
  - attached supporting documents as required and listed in the statement
- statement of property filed on \_\_\_\_\_, 20\_\_\_\_
  - attached supporting documents as required and listed in the statement
- trial brief filed on \_\_\_\_\_, 20\_\_\_\_
- draft divorce order

- draft corollary relief order
- other required statements or documents [give specifics, filing date, and indicate if each document was filed in support of a motion and whether a request will be made to rely on the document at the hearing]
- [*the other party's required statements and information* Specify documents from above list /*affidavit evidence showing that the other party fails to produce a required statement or information and showing production cannot reasonably be compelled*]

**Documents and information to be introduced**

This party anticipates the following documentary and electronic evidence will be introduced at trial by any party: [generally describe quantity and nature] .

**Witnesses this party will call**

<i>Witness</i> [name or subject]	<i>Time required for testimony</i>

**Number of days for divorce trial**

<i>Event</i>	<i>Time required</i>
<b>petitioner's case</b>	
<b>respondent's case</b>	
<b>submissions</b>	
<b>[other]</b>	

**Special requirements and arrangements**

[*This party anticipates no need for special requirements or accommodations during the trial./ Describe need for administration of an oath in a manner not commonly used, video conference equipment, video equipment, use of computer by judge or jurors, interpretation, commission evidence by video conference, accommodation for a person with a disability, or other need.*]

**Settlement conference**

A settlement conference [is/is not] requested by this party.

**When ready for trial**

This party forecasts both parties being ready for trial by \_\_\_\_\_, 20 .

**Signature**

Signed \_\_\_\_\_, 20

\_\_\_\_\_  
Signature of party

Print name:

[or]

\_\_\_\_\_  
Signature of counsel

[name] counsel for [name of party]

**Form FD 11**

20

No.

Supreme Court of Nova Scotia  
(Family Division)

Between: [copy standard heading]

[name]

[Applicant/Petitioner]

and

[name]

Respondent

**Waiver of Financial Statements**

**Entitlement to full disclosure**

The [applicant/petitioner] and the respondent understand that they are entitled to full disclosure of the other party's financial circumstances in accordance with the *Nova Scotia Civil Procedure Rules*.

**Waiver**

The [applicant/petitioner] and the respondent agree that they are satisfied with the disclosure provided by the other party and waive the filing and serving of financial statements as required by the Rules.

**Signature**

Signed \_\_\_\_\_, 20

\_\_\_\_\_  
Signature of  
[applicant/petitioner]  
Print name:

\_\_\_\_\_  
Signature of respondent  
Print name:

**Form FD 12**

20

No.

Supreme Court of Nova Scotia  
(Family Division)

Between: [copy standard heading]

[name]

[Petitioner/Applicant]

and

[name]

Respondent

**Affidavit supporting an Uncontested Divorce**

[I / We] [make oath / affirm] and give evidence as follows:

1. [I am/ We are] am [name or names] the [petitioner / respondent / applicant / applicants] in this proceeding.
2. [I / We] filed [an uncontested motion for divorce / an application for divorce by agreement / a joint application for divorce] on \_\_\_\_\_, 20\_\_\_\_, and this affidavit provides the required supporting evidence.

[for applicants in a joint application for divorce, the rest of this form must be changed to refer to both parties]

3. I have personal knowledge of the evidence [sworn to /affirmed] in this affidavit except where otherwise stated to be based on information or belief.
4. I state, in this affidavit, the source of any information that is not based on my own personal knowledge, and I state my belief of the source.

**Petition**

5. I confirm that all the information contained in the petition for divorce continues to remain true and accurate to the best of my knowledge [ / except for the following corrections or changes: provide details .]

### **Financial statements**

6. The financial statements filed remain true and accurate, to the best of my knowledge [./ *except for the following corrections or changes:* provide details .]

### **Reconciliation**

7. There is no possibility of reconciliation between the Respondent and me.

### **Ground**

8. I am seeking a divorce from the Respondent on the ground that our marriage has permanently broken down and, in particular, that the Respondent and I have been living separate and apart since [date] . We were living separate and apart at the commencement of the proceeding and have lived separate and apart for at least one year immediately preceding the determination of the divorce proceeding.

[or]

8. I am seeking a divorce from the respondent on the ground that our marriage has permanently broken down and, in particular, that the respondent has treated me with [*mental/physical*] cruelty of such a kind as to render intolerable our continued cohabitation. [provide facts in support here] There has been no condonation or connivance by me of the conduct which is the basis of that cruelty.

[or]

8. [Note Adultery cannot be used to establish the ground of divorce in a Joint Application for Divorce] I am seeking a divorce from the respondent on the ground that our marriage has permanently broken down and, in particular, that the respondent has committed adultery by having sexual intercourse with another person during the marriage. [provide facts in support here, and refer to the affidavit, or certified transcript of the examination for discovery, of the admission of the respondent's adultery] There has been no condonation or connivance by me of the adultery.

### **Collusion**

9. There has been no collusion in relation to these proceedings.

### **Written agreement or previous court order**

10. Attached is a true copy of [*the written agreement between the respondent and me dated* , 20 , / *a true copy of the court order dated* , 20 , / describe combination of written agreement and court order addressing corollary relief ,] in settlement of all corollary matters.

## **Children**

11. There are no children of the marriage as described in the *Divorce Act*.

[or]

11a. The full names and birth dates of the children are: [provide details] .

11b. [Set out in general terms the custody, access and parenting arrangements in the agreement.]

11c. [Set out in general terms the child support provisions of the agreement, as well as the present employment and annual incomes of the parties. If child support is not to be paid or if the amount differs significantly from the *Guidelines*, explain why.]

11d. [Refer to any benefits being retained or provided for the children, including medical, dental and drug plan coverage, life insurance, etc.]

11e. [Explain the basis upon which the petitioner concludes that the agreement makes reasonable arrangements for the support of the children.]

## **Spousal Support**

12. No spousal support will be paid by either party to the other.

[or]

12. [Set out in general terms the spousal support provisions of the agreement. If present employment and annual incomes are not provided above under "Children", provide those particulars here.]

## **Costs**

13. I am not seeking costs.

[or]

13a. I am seeking costs in the amount of [\$ ] .

13b. [State the basis for the claim for costs and the amount]

**Request for Relief**

- 14a. I request that this Honourable Court grant my application for a divorce order. I also request that the terms and conditions of [our written agreement dated , 20 /court order dated , 20 /written agreement dated , 20 and court order dated , 20 ] be incorporated in and form part of the corollary relief judgment.
- 14b. [Set out any special relief or unusual circumstances affecting relief]

**Change of Name** [may delete this section if it does not apply]

- 15a. I am seeking an order changing my name from [present name] to [name] .
- 15b. Prior to my marriage to the respondent, my name was [maiden or pre-marriage name] , and [provide particulars for example, name on birth certificate] .

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

\_\_\_\_\_  
 Signature of Authority  
 Print Name:  
 Official Capacity:

\_\_\_\_\_  
 Signature of Witness

**Form FD 13**

20

No.

Supreme Court of Nova Scotia  
(Family Division)

Between: [copy standard heading]

[name]

[Applicant/Petitioner]

and

[name]

Respondent

**Notice of Motion for Interim Relief (Family Proceeding)**

**To:** [name and address of each party entitled to notice]

**Motion**

[name of party making motion] , the [applicant/petitioner/respondent] in this proceeding, moves for an order for the following relief: [may delete any that do not apply]

- interim custody;
- interim access;
- interim child support or child maintenance;
- interim spousal support or spousal maintenance;
- interim exclusive occupation or possession of residence or matrimonial home;
- other interim relief, [give specifics] .

**Time and place**

The motion is to be heard by a judge on \_\_\_\_\_, 20\_\_\_\_ at \_\_\_\_\_ [a.m./p.m.] at the courthouse at \_\_\_\_\_, [Street/Avenue] \_\_\_\_\_, Nova Scotia. The moving party has arranged the motion for hearing for a [half-hour / half day / amount of time ] . The moving party says that the motion will not require more time.

**References**

The moving party relies on the following legislation, Rules, or points of law: [may delete any that do not apply]

- the *Divorce Act*, section(s) [provide section number(s)] ;
- the *Maintenance and Custody Act*, section(s) [provide section number(s)] ;
- the *Matrimonial Property Act*, section(s) [provide section number(s)] ;
- other: [give specific legislation or Rule, including section number(s), or other legal authority for relief sought] .

**Evidence and documents**

The evidence in support of the motion is as follows:

- affidavit of [name]
- other affidavits [give specifics]

The applicant also relies on the following documents in support of the motion: [may delete any that do not apply]

- 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 \_\_\_\_\_, 20\_\_

\_\_\_\_\_  
 Signature  
 Print name:

**Form FD 14**

20

No.

Supreme Court of Nova Scotia  
(Family Division)

Between: [copy standard heading]

[name]

[*Applicant/Petitioner*]

and

[name]

Respondent

***Ex Parte Motion (Family Proceeding)***

**Motion**

[name of party making motion] , the [*applicant/petitioner/respondent*] in this proceeding, moves for an order for the following relief: [describe relief or order sought: may use wording from list in notice of motion (family proceedings)] .

**References**

The moving party relies on the following legislation, Rules, or points of law: [give specific legislation or Rule, including section number(s), or other legal authority for relief sought: may use wording from list in notice of motion (family proceedings)] .

**Reason motion is *ex parte***

This motion is made without notice to any other person because [give specifics] .

**Evidence and documents**

The evidence in support of the motion is as follows:

- affidavit of [name]
- other affidavits [give specifics]

The applicant also relies on the following documents in support of the motion: [may delete any that do not apply]

- 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

**Time and place**

The party making this motion will appear before the judge on \_\_\_\_\_, 20\_\_\_\_ at  
[a.m./p.m.] at the courthouse at \_\_\_\_\_, [Street/Avenue] \_\_\_\_\_,  
\_\_\_\_\_, Nova Scotia.

**Signature**

Signed \_\_\_\_\_, 20\_\_\_\_

---

Signature  
Print name:

**Form FDO 1**

20

No.

Supreme Court of Nova Scotia  
(Family Division)

Between: [copy standard heading]

[name]

[Applicant/Petitioner]

and

[name]

Respondent

**Interim Order for Child [Support / Maintenance]**

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 / maintenance] at the table amount under the Child [Support / Maintenance] 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 / maintenance] ;

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 ] ;

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

**Payment of child [support / maintenance]**

1 [name of other party] shall pay child support to [name of moving party] pursuant to the the *Child [Support / Maintenance] 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

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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.]*

**Form FDO 2**

20

No.

Supreme Court of Nova Scotia  
(Family Division)

Between: [copy standard heading]

[name]

[*Petitioner/Applicant*]

and

[name]

Respondent

**Divorce Order**

Before the Honourable Justice [name or blank]

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

**Divorce**

1 [name of party] and [name of other party], who were married at [city, town, etc.], in [province, state, country] on [date of marriage] are hereby divorced.

**Effective date** [select the applicable paragraph and delete the other one]

2 The effective date of the divorce is thirty-one days after the date of this order, as provided in the *Divorce Act*, unless an appeal is started.

OR

By reason of special circumstances, and undertakings being filed, as required by subsection 12(2) of the *Divorce Act*, the divorce takes effect when this order is issued.

**Copies to parties**

3 A court officer must mail a certified copy of this order, and any corollary relief order issued with it, to each party.

**Certificate of divorce**

4 A certificate of divorce will be issued by a court officer and sent to the parties, after 31 days from the date of this order, if the court officer is satisfied that a copy of this order has been mailed to both parties, the order has become effective, and no appeal has been started.

**Canada Pension Plan**

5 This divorce order, and a corollary relief order issued with it, does not affect in any way a statutory entitlement to seek a division of credits or benefits under the *Canada Pension Act*.

**Change of name** [delete if not applicable]

6 The name of the [petitioner/applicant/respondent] , [present name] is changed to [new name] , effective immediately.

The [petitioner/applicant/respondent] was born at [place] on [birth date] . The [petitioner's/applicant's/respondent's] name before this marriage was [maiden or pre-marriage name].

Issued , 20

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Court Officer

**Form FDO 3**

20

No.

Supreme Court of Nova Scotia  
(Family Division)

Between: [copy standard heading]

[name]

[Petitioner/Applicant]

and

[name]

Respondent

**Corollary Relief Order**

Before the Honourable Justice [name or blank]

The parties were divorced by a divorce order dated \_\_\_\_\_, 20\_\_.

This proceeding is before the court for determination [in the absence of the parties / following a divorce trial] .

Proof of service of the petition has been established and the pleadings, 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] of the marriage as defined by the *Divorce Act*:  
Name of Child \_\_\_\_\_ Date of Birth \_\_\_\_\_

[add if child support is to be paid]

[name of party paying child support] is found to have an annual income of \$ [amount] .

[add if child support includes special or extraordinary expenses]

For the purpose of making an order for payment of special or extraordinary expenses, [name of party receiving child support] is found to have an annual income of \$ [amount] .

OR

[replace the two income clauses with the following, if applicable]

For the purpose of making an order for payment of child support in an amount other than the table amount and special or extraordinary expenses, [name of party paying child support] is found to have an annual income of \$ [amount] , and [name of party receiving child support] is found to have an annual income of \$ [amount] .

On motion of [name of moving party, parties, or counsel] :

[select the applicable paragraph and delete the other to complete this sentence]

it is ordered, under the *Divorce Act*, the *Matrimonial Property Act* and any other applicable legislation, that the terms of the attached [separation agreement / minutes of settlement / agreement] are incorporated into this order and provide the terms of corollary and other relief, to the extent the jurisdiction of the Court allows.

[if this paragraph is selected, a description of the contents of the attachment is not required and paragraphs 1 to 10 are not required]

OR

the following is ordered under the *Divorce Act*, the *Matrimonial Property Act* and any other applicable legislation.

[if this paragraph is selected, a selection from paragraphs 1 to 10, as applicable, is also required]

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

### **Custody**

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

### **Terms for joint custody**

[delete this section if “Access” section is to be ordered]

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:

**Access**

[delete this section if “Terms for joint custody” section is to be ordered]

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

OR

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

**Child support payments**

3 [name] must pay child support to [name] in the amount of \$ [amount] each month, based on the applicable table amount of the *Federal Child Support Guidelines*.

[add if an amount for special or extraordinary expenses is to be paid]

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 1<sup>st</sup> of each year, [ name /both parties] must provide [ name /each other] with a copy of [his/her/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 a copy of this order, under section 9 of the *Maintenance Enforcement Act*, and the current designated addresses of the parties, to the Office of the Director of Maintenance Enforcement.

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 any change in location, address and place of employment, including the start or end of employment, within ten (10) days of the date of the change, under section 42(2) of the *Maintenance Enforcement Act*.

**Property Division**

10 All property and debts have been divided by the parties and each shall retain possession of property now in his or her possession.

OR

Property is divided under the *Matrimonial Property Act* as follows:

**Enforcement**

12 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.

All constables and peace officers are to do all such acts as may be necessary to enforce the terms of this order and they have full power and authority to enter upon any lands and premises to enforce this order.

Issued , 20

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Court Officer

**Form FDO 4**

20

No.

Supreme Court of Nova Scotia  
(Family Division)

Between: [copy standard heading]

[name]

[Petitioner/Applicant]

and

[name]

Respondent

**Order (Family Proceeding)**

[may add words to distinguish from other orders  
or to identify a consent order]

Before the Honourable Justice [name or blank]

This proceeding is before the court for determination [following a hearing / describe  
circumstances including when the parties agree with the terms as a consent order] .

Proof of service of the notice 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 maintenance is to be paid]

[name of party paying child maintenance] is found to have an annual income of \$ [amount] .

[add if child maintenance 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 maintenance] is found to have an annual income of \$ [amount] .

OR

[replace the two income clauses with the following, if applicable]

For the purpose of making an order for payment of child maintenance in an amount other than the table amount and special or extraordinary expenses, the [name of party paying child maintenance] is found to have an annual income of \$ [amount] , and the [name of party receiving child maintenance] 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 [Maintenance and Custody Act . / Maintenance and Custody 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

### **Terms for joint custody**

[delete this section if “Access” section is to be ordered]

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:

### **Access**

[delete this section if “Terms for joint custody” section is to be ordered]

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

OR

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

**Child maintenance 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 Maintenance Guidelines*.

[add if an amount for special or extraordinary expenses is to be paid]

In addition to the table amount, [name] must pay child maintenance 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 maintenance 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 maintenance payments are due**

- 4 Child maintenance 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 maintenance 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 maintenance**

6 No later than June 1<sup>st</sup> of each year, [ name /both parties] must provide [ name /each other] with a copy of [his/her/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 maintenance**

7 Neither party is required to pay spousal maintenance to the other.

OR

7 [name] must pay spousal maintenance to [name] in the amount of \$ [amount] each month.

**When spousal maintenance payments are due**

[delete if neither party is to pay spousal maintenance]

8 Spousal maintenance 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 maintenance]

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

The payments must be sent by [name of party paying maintenance] 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 a copy of this order, under section 9 of the *Maintenance Enforcement Act*, and the current designated addresses of the parties, to the Office of the Director of Maintenance Enforcement.

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 maintenance] must advise the Office of the Director of Maintenance Enforcement of any change in location, address and place of employment, including the start or end of employment, within ten (10) days of the date of the change, under section 42(2) of the *Maintenance Enforcement Act*.

### **Enforcement**

10 A 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.

All constables and peace officers are to do all such acts as may be necessary to enforce the terms of this order and they have full power and authority to enter upon any lands and premises to enforce this order.

Issued \_\_\_\_\_, 20

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Court Officer

**Form FDO 5**

20

No.

Supreme Court of Nova Scotia

Between: [copy standard heading]

[name]

Applicant

and

[name]

Respondent

**Order for a Paternity Test**

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 other party] 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 dependant 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] .

**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

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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.*]

**Form FDO 6**

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No.

Supreme Court of Nova Scotia  
(Family Division)

Between: [copy standard heading]

[name]

[Applicant/Petitioner]

and

[name]

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 / a children's wishes assessment report / a custody and access report*] has been established;

For the purposes of determining the cost to the parties for the preparation of [*an assessment report / a children's wishes assessment report / a custody and access 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 clause]

- 1 An assessment report is to be prepared with respect to the child, [name] born [date] . The recommendations must address the issue of the child's [*living arrangements / access to* [name] / describe issue ] . Upon completion of the report, it must be filed with this Honourable Court.

OR

1 A children's wishes assessment report is to be prepared with respect to the child, [name] born [date] , whose primary residence is with [name] , the [applicant / respondent] . The recommendations must address the issue of the child's [living arrangements / access to [name] / describe issue ] . Upon completion of the report, it must be filed with this Honourable Court.

OR

1 A custody and access assessment report is to be prepared with respect to the child, [name] born [date] with recommendations concerning the issue of Custody and Access and is to be prepared by an assessor selected from the approved Supreme Court (Family Division) list of assessors. Upon completion of the report, it must be filed with this Honourable Court.

OR

1 A referral is made to the [ department name / name and title ] at the [ institution name ] for [an assessment report / a children's wishes assessment report / a custody and access report] with respect to the child, [name] born [date] concerning the child's [living arrangements / access to [name] / describe issue ] . The assessment must include a psychological assessment of both parents, and make recommendations regarding arrangements in the best interest of the child.

### **Cost of report**

2 The cost of this report shall be as prescribed by the *Costs and Fees Act*.

OR

[use the following clause if the court orders that the report be prepared at the expense of the Department of Justice]

2 The Custody and Access Assessment shall be prepared at the expense of the Nova Scotia Department of Justice in accordance with the *Costs and Fees Act* and subject to further order of this Honourable Court.

### **Access to file**

3 Notwithstanding *Civil Procedure Rule 59.60*, the assessor shall, for the purpose of completing the assessment, have access to the file maintained by the Court in this proceeding.

Issued , 20

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Court Officer