

RULE 70
FAMILY PROCEEDINGS

Purposes

70.01. The purposes of this Rule are:

- (a) to secure the just, speedy and inexpensive resolution of family law issues;
- (b) to provide a less adversarial, more participatory and understandable process to assist the parties to arrive at fair and durable resolutions;
- (c) to reduce conflict and tension amongst family members during the process of resolving disputes and to encourage parties to resolve disputes amicably; and
- (d) where a child is involved, to assure the best interests of the child procedurally, as well as substantively.

Definitions

70.02. In this Rule,

- (a) “applicant” means the party who commences a proceeding and includes a petitioner;
- (b) “application” means an originating, interim or interlocutory application, variation application, motion or petition made to a judge or court officer;
- (c) “application and intake form” means Form 70.05A, completed to commence a proceeding;
- (d) “court” means the Family Division of the Supreme Court, or a judge or the judges thereof, whether sitting in court or chambers, and where a court officer has power to act, the court officer;
- (e) “court officer” means a person designated as a court officer by the administration of the court and assigned duties under the Court Officials Act;
- (f) “financial statements” means the statements required to be disclosed pursuant to Rule 70.09, including the statement of income, the statement of special or extraordinary expenses, the statement of expenses, the statement of undue hardship circumstances, and the statement of property;
- (g) “Guidelines” means the Federal Child Support Guidelines or the Provincial Child Maintenance Guidelines or both, as the context requires;
- (h) “hearing” means an interim, interlocutory or variation hearing, and does not include a trial as defined by this Rule;

(i) "judge" means a judge of the court;

(j) "petition" means a petition for divorce and includes a counter-petition and an amended petition;

(k) "proceeding" means any application, action, suit, cause or matter, including any interim, interlocutory or variation application and any proceeding commenced by a petition, in the court to which this Rule applies;

(l) "respondent" means the party or parties other than an applicant in a proceeding;

(m) "response" means either a response to application in Form 70.07F, a response to interim application in Form 70.13B, or a response to variation application in Form 70.28B filed by a respondent in a proceeding or motion and may include a counter-application, but does not include an answer and counter-petition;

(n) "support" means either support or maintenance as the context or applicable legislation requires;

(o) "trial" means the hearing of a petition for divorce, including any corollary relief or the final hearing of any originating application or action in the court, and does not include variation hearings;

(p) "variation application and intake form" means Form 70.28A, completed to commence an application to change the provisions of an existing final order pursuant to Rule 70.28.

Application of this rule and other rules

70.03 (1) This Rule applies to proceedings in the Family Division respecting:

(a) the Divorce Act;

(b) the Maintenance and Custody Act;

(c) the Matrimonial Property Act;

(d) the Maintenance Enforcement Act;

(e) the Maintenance Orders Enforcement Act;

(f) the Interjurisdictional Support Orders Act;

(g) the Pension Benefits Act and the division of pensions under any other federal or

provincial statute;

(h) the Alimony Act;

(i) the Change of Name Act;

(j) the interpretation, enforcement or variation of a marriage contract, cohabitation agreement, separation agreement or paternity agreement;

(k) relief by way of the Partition Act, constructive or resulting trust or a monetary award as compensation for unjust enrichment between persons who have cohabited.

(2) In the Family Division, proceedings concerning:

(a) the Children and Family Services Act;

(b) the Adult Protection Act;

(c) the Incompetent Persons Act;

(d) the Testators Family Maintenance Act;

(e) the Intestate Succession Act;

(f) the Guardianship Act;

(g) section 12(1)(d) of the Matrimonial Property Act;

(h) the Presumption of Death Act; and

(i) the Child Abduction Act;

shall not be commenced or conducted in accordance with Rule 70, with the exception of rule 70.12A, and instead shall proceed in accordance with the other applicable rules.

(3) In respect of any matter or proceeding in the Family Division not specifically referred to in rules 70.03(1) or (2), it shall be presumed that this Rule does apply, unless a judge otherwise orders upon the application of any party, before or after the commencement of the proceeding.

(4) Where any matter of practice or procedure is not governed by statute or by this Rule, the other rules and forms relating to civil proceedings shall apply with any necessary modification.

Place of proceeding

70.04. (1) A proceeding shall be commenced, dealt with and heard in the judicial district in which the applicant or petitioner resides.

(2) A proceeding may be commenced by an applicant or a petitioner who resides outside the judicial district where leave of the court has been granted.

(3) Where a proceeding concerns the custody, access or parenting of a child and the proceeding is contested, a judge in the judicial district where the proceeding has been commenced may, upon the application of a party or on the court's own motion, order that the proceeding be transferred to the office of a court officer or a prothonotary in another judicial district in which the child ordinarily resides.

(4) Where it is substantially more convenient to deal with a proceeding or any step in the proceeding in another judicial district, a judge in the judicial district where the proceeding has been commenced may, upon the application of a party or on the court's own motion, order that the proceeding, or any step in the proceeding, be transferred to the office of a court officer or a prothonotary in another judicial district.

Intake

70.05. (1) A proceeding is commenced by the filing of a completed application and intake form in Form 70.05A, and Rule 9, excepting Rule 9.08, does not apply.

(2) The party who wishes to commence a proceeding shall be called the applicant and the other party shall be called the respondent, except in a divorce proceeding where they shall be the petitioner and the respondent.

(3) The court officer may dispense with the requirement for an intake meeting, if all relevant intake information has been provided as required in rule 70.05(1) and all statements, including parenting and financial, as required in Rules 70.08 and 70.09 have been filed in support of the application.

(4) Where an application and intake form is served personally, it shall be served by a person other than the applicant and an affidavit of service in Form 70.05B shall be filed with the court as soon as possible thereafter.

(5) Where an application and intake form, other than one accompanying a divorce petition, has not been served within six (6) months from the date of filing, the application shall be deemed to have been discontinued.

(6) Upon an interlocutory application made without notice within six (6) months from the date of filing of the application, a court officer may extend the time for service of the application.

(7) Upon the application of any party, a judge may make an order for substituted service, where it is impracticable to serve an application and intake form, or any other document required to be served personally.

(8) An application or petition may be discontinued or withdrawn by the applicant or petitioner pursuant to Rule 40.

(9) On the basis of the information provided pursuant to rules 70.05(1) or (3), the court officer shall determine the next steps to be taken, which may include:

- (a) further intake assessment;
- (b) referral to another agency or service;
- (c) a meeting with a court officer; or
- (d) an appearance before a judge.

Parent Information

70.06. (1) Every applicant and every respondent in a proceeding which involves a child shall be required to attend a parent information program.

(2) Before such a proceeding can be heard before a judge, the party setting the matter down shall attend the parent information program and provide proof of attendance.

(3) A delay of attendance at a parent information program before a hearing or trial may be granted by a court officer or a judge where an immediate hearing before a judge is required, including where:

- (a) an interim order without notice is being sought pursuant to Rule 70.12;
- (b) a kidnapping or abduction of a child is alleged to have occurred or is likely to occur imminently;
- (c) a unilateral change in the physical care and custody or principal residence of a child is alleged to have occurred or is likely to occur imminently, or
- (d) there is insufficient time before an interim hearing for the party to attend,

and any party granted such a delay shall attend the first available parent information program following the delay being granted.

(4) A court officer or a judge may exempt a party from attendance at a parent information program where:

- (a) the parties have entered into a written agreement or consent order settling all issues

between them, at or prior to the first conciliation meeting;

(b) the parties only wish to register an agreement with the court;

(c) the parties have attended an information session within the previous twelve month period; or

(d) there are other exceptional circumstances.

(5) Any party other than the party setting the matter down for hearing or trial who has not attended a parent information program and has not been granted a delay or exemption may be subject to costs or having pleadings struck or being refused the right to make submissions on the hearing or trial.

Conciliation

70.07. (1) Where the court officer considers appropriate, the court officer shall arrange for a conciliation meeting or meetings and one or both parties shall attend as directed by the court officer.

(2) Prior to the scheduled conciliation meeting, the respondent shall be served, by mail or by personal service, with a notice to appear in Form 70.07A or a notice to disclose in Form 70.07B or both.

(2A) Where a conciliation meeting is not scheduled and where the court officer considers appropriate, the respondent shall be served with a notice to disclose in Form 70.07B, and the notice may be served by mail.

(3) Where the court officer considers appropriate, the applicant shall be served with a notice to appear in Form 70.07A or a notice to disclose in Form 70.07B, or both, and the notice or notices may be served by mail.

(4) Where a party has filed or received an application and intake form, or has received a notice to appear or notice to disclose and appears before a court officer or judge, that party shall provide a mailing address for future service and any further service by mail to that address shall constitute sufficient service for purposes of a proceeding, or any step in a proceeding, under this Rule.

(5) In the course of conciliation including where the parties appear at a conciliation meeting, the court officer shall seek to identify the issues involved, ensure proper disclosure by the parties concerning those issues, clarify the respective positions of the parties, facilitate negotiations between the parties, assist the parties to reach a resolution, and determine the next steps appropriate in the proceeding.

(6) In the course of conciliation, the court officer may make a record of those facts

provided by the parties, including those based upon information and belief, relevant to the resolution of the issues, in the conciliation record in Form 70.07C.

(7) On the basis of the information provided in conciliation, the court officer may:

(a) schedule a further conciliation meeting;

(b) adjourn the conciliation;

(c) refer the parties to mediation;

(d) issue a notice or make an order directing a party or a person identified in rule 70.09(5) to appear and disclose further information;

(e) make an order directing a person other than a party to the proceedings to disclose in accordance with Rule 70.10;

(f) prepare a draft consent order as set out in rule 70.07(8);

(g) upon the court officer being satisfied that the party has received actual notice, make an interim order in Form 70.07D for child support at the table amount under the Guidelines on an originating application claiming child support and the interim order shall be personally served upon the party ordered to pay support;

(h) schedule a settlement conference or an organizational pre-trial or pre-hearing conference;

(i) recommend to a judge that a parenting assessment report be prepared;

(j) schedule a hearing before a judge;

(k) schedule a trial before a judge; or

(l) direct any other step that may lead to a resolution of the issues.

(8) Where the parties are able to reach an agreement on the issues involved, after one or more conciliation meetings, the court officer shall prepare a draft consent order, which order will be issued as a court order two (2) weeks after the date of the agreement, unless one of the parties notifies the court otherwise in writing within that period.

(9) Where the parties have not reached agreement on all of the issues, the court officer shall prepare a conciliation record in Form 70.07C and provide each party with a copy of the conciliation record not later than four (4) clear days before the hearing or trial and a party may object to any part of the conciliation record within two (2) clear days of receipt.

(10) The conciliation record shall constitute evidence at the hearing, except any parts to which a party has objected, which parts may be considered by the judge after hearing the objection.

(11) Where a party fails to appear or disclose in conciliation, the court officer may:

(a) make an order to appear and disclose in Form 70.07E;

(b) make an order directing a person other than a party to the proceeding to disclose in accordance with Rule 70.10;

(c) upon the court officer being satisfied that the party has received actual notice, make an interim order in Form 70.07D for child support at the table amount under the Guidelines for an originating application claiming child support and the interim order shall be personally served upon the party ordered to pay support;

(d) upon the court officer being satisfied that the party has received actual notice, order costs against the party;

(e) strike out any application, claim or defence, or any part, or stay or dismiss the proceeding or have judgment entered against that party, in accordance with this Rule.

(12) In making an interim order for child support, the court officer may determine, attribute or impute Guidelines income based upon any information provided by the party seeking support or otherwise available during intake and conciliation, including any hearsay evidence.

(13) A party who has failed to appear or disclose through accident, mistake, insufficient notice or other just cause may, within thirty (30) days of service of the order granted and upon notice to any other party, apply by interlocutory application to the court officer to set aside or vary the order and the court officer may do so on such terms as are just.

(14) In a proceeding other than a divorce proceeding, the respondent shall be required to file and serve a response to application in Form 70.07F where the respondent seeks any form of relief which does not fall within the existing pleadings of the applicant, and otherwise the respondent may file and serve a response to application in Form 70.07F.

(15) Where a hearing or conference or trial or other court appearance is scheduled, the court officer may deliver or mail to the parties a notice to appear in court in Form 70.07G.

(16) At any time during the course of a proceeding, a court officer may require that any party particularize their pleadings.

Disclosure: parenting statements

70.08. (1) Where an applicant makes a claim respecting custody or access, whether interim or final or a variation, the applicant shall file and serve a parenting statement in Form 70.08A within ten (10) days of the commencement of the proceeding or such shorter or longer period as directed by the court officer.

(2) Where the respondent makes or disputes a claim respecting custody or access, the respondent shall file a parenting statement in Form 70.08A within ten (10) days of service of the applicant's parenting statement or of the notice to appear, or notice to disclose, or such shorter or longer period as directed by the court officer.

Disclosure: financial statements

70.09. (1) Where the only financial claim by a party is for child support in the table amount under the Guidelines, that party is not required to file or serve a financial statement, but the other party is required to file and serve a statement of income in Form 70.09A within the time periods set out in rule 70.09(3).

(2) Where a party claims an amount for special or extraordinary expenses pursuant section 7 the Guidelines, that party shall file and serve a statement of income in Form 70.09A and a statement of special or extraordinary expenses in Form 70.09B, at the time of filing the application and the other party shall file and serve a statement of income in Form 70.09A within the time periods set out in rule 70.09(3).

(3) Where a party claims child support in an amount other than the table amount or special or extraordinary expenses under the Guidelines, both parties shall file and serve a statement of income in Form 70.09A and a statement of expenses in Form 70.09C within the following periods after service of a notice to disclose, or such shorter or longer periods as may be directed by the court officer:

- (a) twenty (20) days if served within Nova Scotia,
- (b) forty (40) days if served elsewhere in Canada or in the United States, and
- (c) sixty (60) days if served in any other place.

(4) Where a party claims child support in an amount other than the table amount or special or extraordinary expenses under the Guidelines for a child the age of majority or over, the child's income information as required by the Guidelines and the expenses of the child shall be filed for the relevant time periods of the claim within the time periods set out in rule 70.09(3).

(5) Where either party claims undue hardship respecting child support, the party claiming undue hardship shall file and serve a statement of undue hardship circumstances in Form 70.09D, each party shall file and serve a statement of income in Form 70.09A and a

statement of expenses in Form 70.09C within the time periods set out in rule 70.09(3), and the other members of each party's household as defined in Schedule II of the Guidelines shall provide to the court and the other party, within the time periods set out in rule 70.09(3), the relevant income and other information required by Schedule II of the Guidelines, except that the income information need only be for the most recent taxation year, and not three (3) years, in order to permit the comparison of household standards of living.

(5A) The party claiming undue hardship shall file and serve the calculations of the comparison of household standards of living in accordance with Schedule II of the Guidelines, within the time periods set out in rule 70.09(3) after receipt of the other party's household financial information as set out in rule 70.09(5) and the other party may file and serve the calculations of the comparison of household standards of living in accordance with Schedule II of the Guidelines, which shall occur within the same time periods.

(6) Where a party claims a division of property, both parties shall file and serve a statement of property in Form 70.09E within the time periods set out in rule 70.09(7).

(7) Where a party claims or disputes spousal support in an originating application, both parties shall file and serve a statement of income in Form 70.09A, a statement of expenses in Form 70.09C and a statement of property in Form 70.09E within the following periods after service of a notice to disclose, or such shorter or longer periods as may be directed by the court officer:

- (a) twenty (20) days if served within Nova Scotia,
- (b) forty (40) days if served elsewhere in Canada or in the United States, and
- (c) sixty (60) days if served in any other place.

(7A) Where a party claims or disputes spousal support in a variation application, both parties shall file and serve a statement of income in Form 70.09A and a statement of expenses in Form 70.09C within the time periods set out in rule 70.09(7).

(8) Where a party claims or disputes spousal support in an originating application,

- (a) a person who is married to that party, or
- (b) a person who has been living with that party as a common-law partner for at least two (2) years or as a domestic partner,

shall, within the time periods set out in rule 70.09(7), file and serve a statement of income in Form 70.09A, a statement of expenses in Form 70.09C and a statement of property in Form 70.09E.

(8A) Where a party claims or disputes spousal support in a variation application,

(a) a person who is married to that party, or

(b) a person who has been living with that party as a common-law partner for at least two (2) years or as a domestic partner,

shall, within the time periods set out in rule 70.09(7), file and serve a statement of income in Form 70.09A and a statement of expenses in Form 70.09C.

(9) If the relevant information is not provided by the other members of each party's household as required by rule 70.09(5) or by a person referred to in rules 70.09(8) and (8A), the court officer may exercise the same remedies for disclosure as provided in Rules 70.07 and 70.10 in relation to a party.

(10) A person who shares living expenses with a party claiming or disputing spousal support may be ordered by a judge to file and serve a statement of income in Form 70.09A, a statement of expenses in Form 70.09C and a statement of property in Form 70.09E within the time period specified in the order.

(11) Further disclosure not specifically required by Rule 70.09 may be ordered to be filed and served either upon application by any party or upon the court's own motion.

Disclosure: orders to non-parties

70.10. (1) Where a party has failed to make adequate disclosure

(a) after a court officer is satisfied that a party has received actual notice of a notice to disclose in Form 70.07B,

(b) after service of an order to appear and disclose in Form 70.07E,

or

(c) as may have been further directed by a court officer or a judge,

the court officer may order a person other than a party to provide information in that person's possession, custody or control respecting the party. The information shall be limited to the party's income, expenses, assets, liabilities, employment, or address, telephone or other contact information.

(2) The term "person" in rule 70.10(1) includes a corporation, a public body or Her Majesty.

(3) A court officer may also make an order under rule 70.10(1) if the relevant information is not provided as required by rules 70.09(5), 70.09(8), 70.09(8A) or 70.09(10).

(4) An order under rule 70.10(1) shall be in Form 70.10A.

Mediation

70.11. (1) The parties may be referred to mediation by a court officer or by a judge at any time after a proceeding has been commenced.

(2) Upon the referral of the parties to mediation, the mediator shall meet with the parties with a view to reaching a satisfactory and fair agreement.

(3) The mediator may meet on one or more occasions with the parties, the children and such other persons including lawyers as the mediator sees fit in an attempt to mediate the issues.

(4) Where the parties are able to reach an agreement on some or all of the issues involved, the mediator shall prepare a draft consent order in the appropriate form under this Rule and advise each of the parties to obtain independent legal advice respecting the draft order.

(5) The draft consent order shall be signed by the parties and filed with the court by the mediator, with the order to take effect two (2) weeks after the date of the agreement, unless one of the parties notifies the court otherwise in writing within that period.

(6) Where the parties are unable to reach an agreement on all issues, the mediator shall report back to the court only that the parties did attend at the relevant times and that agreement was not reached on all issues, in Form 70.11A.

(7) Where no agreement is reached, evidence of anything said or of any admission or communication made in the course of mediation is not admissible in any legal proceedings and no mediator is competent or compellable in any legal proceedings to disclose any admission or communication made to that person in his or her capacity as mediator.

Litigation Guardians

70.12A. The court may appoint a person to act as litigation guardian for a person under disability if the person proposed as litigation guardian has filed a consent to act in that capacity and a certificate that he or she has no interest in the proceeding adverse to any interests of the person under disability.

Interim Orders Without Notice

70.12. (1) A party may make an application to a judge for an interim order without notice in Form 70.13A with a supporting affidavit, on the basis that no notice should be given to the other party where:

- (a) there is a substantial risk of violence to the applicant from the respondent or another person;
- (b) there is a substantial risk of harm to a child from the respondent or another person;
- (c) the judge is satisfied that the delay caused by giving notice would or might entail serious mischief, or that notice is not necessary.

(2) Where an application is made for an interim order without notice, the applicant shall inform the court of all material facts known to the applicant, whether or not the facts are adverse, which will enable the judge to make an informed decision and, where applicable, of the efforts made to inform the other parties of the application.

(3) Unless the judge otherwise orders, where an interim order is granted without notice, the applicant shall personally serve upon the respondent as soon as practicable, the order, the application and all other material filed in support of the application.

(4) On two (2) clear days notice or on such shorter notice as the judge may prescribe, a party against whom an interim order is made may apply for the dissolution or modification of the interim order, and the notice period shall be clearly stated in the order.

(5) A judge shall hear and determine an application under rule 70.12(4) as expeditiously as is just and reasonably possible.

Interim hearing with notice

70.13. (1) For the purpose of this Rule, “interim hearing” means a hearing where a party seeks substantive relief, including custody, access, child support, spousal support and property orders, on an interim basis pending trial and “interim order” includes an order that replaces an existing interim order.

(2) A party initiating an interim hearing may not proceed before a judge until all the applicable information has been filed with the court and a court officer has determined that an interim hearing is necessary to resolve the issues.

(3) The party initiating an interim hearing shall file and serve an interim application in Form 70.13A, setting out the relief sought, along with a supporting affidavit and other necessary documentation, upon the other parties not later than seven (7) clear days before the hearing, unless otherwise directed by the court officer.

(4) The party responding on the interim hearing shall file and serve a response to interim application in Form 70.13B where any relief sought does not fall within the existing pleadings of the applicant, and otherwise may file and serve a response to interim application in Form 70.13B, and the response to interim application shall be filed and served upon the other parties not later than two (2) clear days before the hearing, unless otherwise directed by a court officer.

(4A) The party responding on the interim hearing shall file and serve a supporting affidavit, and other necessary documentation in accordance with Rule 70.09 subject to any necessary modification, upon the other parties not later than two (2) clear days before the hearing, unless otherwise directed by a court officer.

(5) The party initiating an interim hearing shall then file and serve any affidavit in reply upon the parties not later than one (1) clear day before the hearing, unless otherwise directed by the court officer.

(5A) An affidavit that is not filed and served as provided by rule 70.13 may only be used on an interim hearing with the leave of the court, which may be granted on such terms as are just.

(6) Each party shall file a pre-hearing brief at the same time as the documents to be filed pursuant to rules 70.13 (3) and (4), unless otherwise directed by a court officer.

(7) Evidence on an interim hearing may be given,

(a) by an affidavit or statutory declaration made pursuant to Rule 38;

(b) by a parenting statement or financial statements;

(c) by the conciliation record, if any;

(d) by a statement of facts agreed upon in writing by all the parties;

(e) with leave of the judge, by any witness in person; or

(f) by any evidence obtained on discovery and admissible under any applicable rule.

(8) Any affidavit or statutory declaration used pursuant to this rule shall not contain material that is argumentative, merely speculative, scandalous, irrelevant, immaterial or otherwise oppressive.

(9) Upon the application of a party or upon its own motion, the court may strike out any material filed by another party that does not comply with Rule 38 or rule 70.13(8) and may order costs against that other party or against that other party's solicitor personally.

(10) Where an interim application has not been served within six (6) months from the date of filing, the application shall be deemed to have been discontinued.

Hearing of interlocutory application

70.14. (1) For the determination of issues before trial other than substantive interim relief under

Rule 70.13, an interlocutory application shall be commenced by an interlocutory notice (inter partes) in Form 70.14A or by an interlocutory notice (ex parte) in Form 70.14B.

(2) When an interlocutory application (ex parte) is made, the notice and a supporting affidavit shall be filed not later than one (1) clear day before the hearing. When an interlocutory application (inter partes) is made, the notice and a supporting affidavit shall be filed and served not later than four (4) clear days before the hearing.

(3) An opposing party shall file and serve any affidavit in response not later than two (2) clear days before the hearing.

(4) The applicant party shall file and serve any affidavit in reply not later than one (1) clear day before the hearing.

(5) An affidavit that is not filed and served as provided by rules 70.14(2) and (3) may only be used on an interlocutory hearing with the leave of the court, which may be granted on such terms as are just.

(6) On an interlocutory hearing, evidence may be given,

(a) by an affidavit or statutory declaration made pursuant to Rule 38;

(b) by a parenting statement or financial statements;

(c) by a conciliation record, if any;

(d) by a statement of facts agreed upon in writing by all the parties;

(e) with leave of the judge, by any witness in person; or

(f) by any evidence obtained on discovery and admissible under the applicable rule.

Conferences Before a Hearing or Trial

70.15. (1) Where a proceeding has been referred for a hearing or a trial before a judge, an organizational pre-trial or pre-hearing conference may be held with a judge for the purpose of exploring the issues and preparing for the hearing or trial, either upon the Court's own motion or at the request of any party.

(2) On the application of any party or on the judge's own motion, a judge at a conference before a hearing or trial may order any one or more of the following:

(a) a settlement conference;

(b) a further organizational pre-trial or pre-hearing conference;

(c) a referral to conciliation;

(d) a parenting assessment report pursuant to section 32F of the Judicature Act or section 19 of the Maintenance and Custody Act;

(e) a referral to mediation; or

(f) any other order that may be made pursuant to Rules 25 and 26.

(3) An organizational pre-trial or pre-hearing conference may be conducted by a court officer designated by the Associate Chief Justice of the court, which designation may be general or specific to a particular case.

(4) Where a party fails to appear at a conference before a hearing or trial as required under this rule, the judge may proceed to determine the issues and make any of the following orders, in the absence of the party:

(a) an interim or final order for child support;

(b) an order directing a third party to disclose under Rule 70.10;

(c) any other interim or final order in the proceeding;

(d) an order to strike out any application, claim or defence made by the party in the proceeding, or stay or dismiss the proceeding, or enter judgment;

(e) find the absent party in contempt of court and make an order under Rule 55; or

(f) an order for costs;

and, if the conference is being held before a court officer, the court officer may recommend to a judge that any of the above orders be made.

Discovery

70.16. (1) In family proceedings, any reference to Rule 20 does not include Rule 20.01 and neither party is required to serve a list of documents, unless so directed pursuant to Rule 20.02.

(2) Where the only issue between the parties is child support in the table amount or special or extraordinary expenses, the parties shall disclose documents as required by Rule 20, but otherwise Rules 18 to 24 shall not apply, except with leave of a judge which shall only be granted if discovery is necessary to the fair and efficient resolution of the issues and

(a) the determination of income is complex; or

(b) undue hardship is claimed by the respondent.

(3) Where the only issue in dispute between the parties is child support for a child the age of majority or over or child support for a child in shared custody, Rules 19 to 24 shall apply, but oral examination for discovery under Rule 18 shall not be permitted, except with leave of a judge which shall only be granted if oral examination for discovery is necessary to the fair and efficient resolution of the issues.

(4) When any other matters are in issue in the proceeding, Rules 18 to 24 shall apply.

(5) An interim hearing shall not be delayed by any oral examination for discovery pursuant to Rule 18, unless the parties agree or a judge so orders.

(6) A child who is a child of a party and under the age of majority shall not be examined for discovery pursuant to Rule 18, except with leave of a judge and upon such terms as may be directed by a judge.

Setting down for trial

70.17. (1) When all necessary information has been filed by the parties, conciliation has taken place, and any discovery has been completed:

(a) the court officer shall forthwith consult with the parties and their counsel to schedule the proceeding for trial; or

(b) any party may request a date for trial by filing and serving a Request for Trial Date and Certificate of Readiness in Form 70.17A;

(2) Upon receiving a Request for Trial Date and Certificate of Readiness, any other party shall be deemed to have consented to the filing of the Request for Trial Date and Certificate of Readiness unless, within ten (10) days from receipt, the party files a letter of objection with the court and the other parties and requests a conference with the court officer.

(3) If the court officer determines that the matter is ready for trial, the court officer, in consultation with the parties and their counsel, shall fix the date for trial and deliver to the parties a Notice to Appear in Court in Form 70.07G.

(4) If the court officer determines that the matter is not ready for trial, the court officer shall advise the parties of the outstanding matters and set a schedule for their completion.

(5) Unless the parties otherwise agree or the court otherwise orders, the trial shall not be scheduled to commence sooner than thirty (30) days after the date on which the parties were consulted under rule 70.17(1).

(6) After a proceeding is scheduled for trial, no party may initiate or continue any

interim or interlocutory proceedings or any form of discovery except discovery of expert witnesses, without leave of a judge.

(7) Leave of a judge pursuant to rule 70.17(6) shall be granted only in exceptional circumstances.

(8) The parties or, if the parties are represented, their counsel, shall immediately advise the court in writing if the duration of a trial is affected or a proceeding is settled between the parties.

(9) Where a proceeding has been entered for trial, each of the parties shall on or before the fourteenth (14th) day preceding the date of trial, deliver to the trial judge and the other parties to the proceeding or their counsel, a brief containing a summary of the facts, issues and law.

Trial procedures and evidence

70.17A (1) Trial procedures and evidence at trials shall be governed by Rules 30 and 31, except as modified by this rule.

(2) Where the court so orders, evidence on direct at trial may be given by way of affidavits, to be filed and served as directed by the court.

(3) Rule 31.08 applies to the evidence of expert witnesses, provided that the times for the filing and service of the report of an expert in rules 31.08(1)(a) and (b) shall be not later than sixty (60) days before trial for an applicant and not later than thirty (30) days before trial for a respondent.

Commencement of a divorce proceeding

70.18. (1) A proceeding in which the petitioner claims a divorce under the Divorce Act, alone or along with other relief, shall be commenced by filing a petition for divorce in Form 70.18A, in addition to filing the application and intake form in Form 70.05A.

(2) The party commencing the divorce proceeding shall be called the petitioner and the other party shall be called the respondent.

(3) The petition, or amended petition, as the case may be, shall be served upon the respondent within sixty (60) days of the filing of the petition, or the filing of the amendment.

(4) The certificate of marriage shall be attached to the petition where practicable, or filed so soon thereafter as possible and, in any event, prior to the trial.

(5) Where a divorce proceeding has been commenced, a subsequent petition in the same matter shall not be issued unless the previous petition has been discontinued or deemed

discontinued.

(6) Where a divorce petition has been filed by a party to a proceeding under the Maintenance and Custody Act or any other family proceeding already pending, the other family proceedings shall be deemed to be consolidated with the divorce proceeding pursuant to Rule 39, unless otherwise ordered by the court.

(7) The petition shall include a notice that, in default of answer, a divorce may be granted and judgment pronounced without further notice to the respondent.

Amendment of petition

70.19. (1) In addition to amendments pursuant to Rule 15, a petition may be amended without leave at any time to add an allegation of breakdown of marriage pursuant to section 8(2)(a) of the Divorce Act.

(2) The amended petition shall be served upon the respondent at least twenty (20) days prior to the divorce hearing unless the court otherwise orders or the parties consent.

Service of petition

70.20. (1) Unless otherwise ordered by the court, a petition shall be served personally upon the respondent.

(2) The petition shall be served by a person other than the petitioner.

(3) The petition, or amended petition, as the case may be, shall be served upon the respondent within sixty (60) days of the filing of the petition, or the making of the amendment.

(4) The time for service of the petition or amended petition may be extended by a court officer, upon an application without notice, made before or after the expiry of the time for service, if made within six (6) months from the date of filing of the petition.

(5) Where service of the petition has not been made in accordance with rule 70.20(3) or (4), the petition shall be deemed to have been discontinued on the expiration of six (6) months from the date of filing the petition.

(6) Where a minor is a party to a divorce proceeding, service on the minor only shall be considered sufficient service.

(7) A person who serves the petition shall, at the time of service, request the person served to complete and sign the acknowledgement of service and the statement of mailing address endorsed on the petition and the person serving the petition shall sign as witness to the signature of the person served.

(8) Service of the petition shall be proved by the filing of an affidavit of service (divorce) in Form 70.20A, with a copy of the petition attached as an exhibit and stating:

- (a) by whom the petition was served,
- (b) the date, day of the week and time of day the petition was served,
- (c) where the petition was served,
- (d) the means of knowledge as to the identity of the person served,
- (e) the request that the person served has been requested to complete the acknowledgement of service and statement of mailing address, and
- (f) the result of that request.

Answer

70.21. (1) A respondent who wishes to be heard on a petition or to seek relief shall file and serve an answer in Form 70.21A within the time prescribed in rule 70.21(3).

(2) A respondent who wishes to petition for divorce shall file an answer and counter-petition in Form 70.21B and serve the answer and counter-petition on the petitioner within the time prescribed in rule 70.21(3).

(3) An answer or an answer and counter-petition shall be filed and served:

(a) where the petition is served within Nova Scotia, within twenty (20) days after service, inclusive of the day of service;

(b) where the petition is served elsewhere within Canada or within one of the states of the United States, within forty (40) days after service, inclusive of the day of service; and

(c) in all other cases within such time, inclusive of the day of service of the petition, as is provided by the order allowing the service.

Joint petition

70.22. (1) Where both spouses jointly commence a divorce proceeding, they shall be called co-petitioners and the petition need not be served on either of them.

(2) In an uncontested divorce proceeding, the co-petitioners shall file the application and materials required under Rule 70.23, with any necessary modifications and signed by both

spouses.

Uncontested divorce proceeding

70.23. (1) A divorce proceeding is uncontested when the respondent fails to file an answer or when the respondent files a notice of intention to proceed on an uncontested basis in Form 70.23A or where the written separation agreement or minutes of settlement to be incorporated in the corollary relief judgment contain a specific clause stating an intention to proceed on an uncontested basis despite the previous filing of an answer or answer and counter-petition.

(2) Notwithstanding Rule 70.09, where there are no children of the marriage and the parties have agreed upon corollary relief to be granted with respect to support and division of property, and both parties have filed a waiver of financial statements in Form 70.23B, financial statements are not required unless otherwise ordered.

(3) In an uncontested divorce proceeding, the petitioner shall file an application for judgment in Form 70.23C, sworn by the petitioner, setting forth:

(a) the present address of the respondent where he or she may be served with a copy of the judgment;

(b) confirmation that all the information contained in the petition and any financial or other statements filed continues to remain accurate, with any corrections or subsequent changes noted;

(c) there is no possibility of reconciliation;

(d) where a divorce is sought on the basis of separation, the spouses have lived separate and apart for at least one (1) year immediately preceding the determination of the divorce proceeding and were living separate and apart at the commencement of the proceeding;

(e) where a divorce is sought on the basis of adultery or cruelty, there has been no condonation or connivance with respect to the conduct which is the basis for the claim;

(f) where a divorce is sought on the basis of cruelty, the conduct of the respondent spouse has rendered continued cohabitation intolerable;

(g) there has been no collusion in relation to the divorce proceeding;

(h) where a written agreement between the spouses or a previous court order is in existence, the fact of its existence with a copy of the agreement or order exhibited;

(i) where a support order is claimed, the condition, means, needs and other circumstances of each spouse and of any child of the marriage for whom support is

sought;

(j) where a custody order is sought, the particulars of the present and proposed arrangements with respect to the custody and access and the condition, means, needs and other circumstances of the child or children;

(k) reasonable arrangements have been or can be made for the support of any children of the marriage; and

(l) where a party requests a change of name upon divorce, adequate particulars of the party's birth and the name to which the party wishes to change;

(m) where costs are claimed, particulars of the amount and basis for the claim.

(4) Where a divorce is sought on the basis of adultery, the petitioner shall also file:

(a) an affidavit of the respondent spouse or other person admitting adultery, with particulars, or

(b) certified extracts of transcripts of the examinations for discovery of the respondent spouse or other person admitting adultery, with particulars.

(5) The petitioner shall also file with the application for judgment,

(a) a draft divorce judgment in Form 70.23D and, where appropriate, a draft corollary relief judgment in Form 70.23E, Form 70.23F or Form 70.23G;

(b) two (2) sets of stamped envelopes, addressed to the petitioner and the respondent.

(6) Where the respondent has requested, the petitioner shall serve upon the respondent copies of the draft divorce judgment and draft corollary relief judgment before filing these documents pursuant to rule 70.23 (3).

(7) Upon a judge being satisfied that the grounds for divorce have been established, the judge may issue a divorce judgment in Form 70.23D and, where appropriate, a corollary relief judgment in Form 70.23E, Form 70.23F or Form 70.23G.

(8) A corollary relief judgment in Form 70.23G may only be used where the parties have settled all corollary relief matters by way of written separation agreement or minutes of settlement which contain a specific provision for incorporation of the terms of the agreement or minutes in a corollary relief judgment and, if there are children of the marriage, where the agreement or minutes contain the information required by section 13 of the Guidelines.

(9) Upon a divorce judgment being rendered, a court officer shall forthwith mail a copy

of the divorce judgment and, where granted, the corollary relief judgment to the petitioner and the respondent in the envelopes provided by the petitioner.

(10) On or after the thirty-first (31st) day after the divorce judgment is rendered, a court officer shall issue a certificate of divorce in Form 70.23H after being satisfied that no appeal of the divorce judgment is pending, and forthwith mail a copy to the petitioner and the respondent in the envelopes provided by the petitioner.

Suit money

70.24. (1) A petitioner or a respondent in a divorce proceeding may apply to a judge for suit money, upon seven (7) clear days notice to the other party to the proceeding.

(2) Upon an application for suit money, the judge may order the other party to pay to the applicant such sum of money sufficient to cover the applicant's costs up to any stage in the proceeding and may from time to time thereafter order the other party to pay such further sums as the judge deems necessary to enable the applicant to continue the proceeding.

Paternity Proceedings

70.25. (1) On an application for maintenance pursuant to section 11 of the Maintenance and Custody Act, alleging that a person is the possible father, the notice to appear and notice to disclose in Rule 70.07, along with the completed application and intake form in Rule 70.05, shall be served upon the respondent possible father.

(2) For purposes of orders relating to blood tests pursuant to section 27(1) of the Maintenance and Custody Act, any reference to "the court" includes a court officer and an order under this rule shall be in Form 70.25A.

(3) Where the paternity of a child is in issue, the issue shall be determined at a trial.

Orders other than divorce orders

70.26. (1) In any proceeding under the Maintenance and Custody Act, an order shall be in Form 70.26A.

(2) Any final order, other than a divorce corollary relief judgment or an order under rule 70.26(1), shall be in Form 70.26C.

(3) An order shall be drafted by the successful party or by the court and entered by the court officer, and if an order is not entered within ten (10) days after the decision, any other party or the court may draw up, settle and enter the order.

Registration of divorce orders

70.27. Where a child support order, spousal support order, custody order, variation order, or interim support or custody order has been made in Canada under the Divorce Act, the registration of such order pursuant to sub-section 20(3) of that Act shall be effected by filing a certified copy of the order in the court, with a written request that it be registered.

Variations of final orders

70.28. (1) An application to vary, rescind or suspend an order for corollary relief under the Divorce Act or an order respecting custody, access or maintenance under the Maintenance and Custody Act shall comply with the procedures and filing requirements of Rules 70.04 to 70.16, with any necessary modifications.

(2) Where the court varies an order made by another court, other than provisionally, a certified copy of the new corollary relief judgment or an order respecting custody, access or maintenance under the Maintenance and Custody Act shall be forwarded to the court that made the original order, and to any other court that has varied the original order.

(3) Where the parties have agreed upon the variation of support to be granted, the provisions of rule 70.23(2) shall apply to the filing of financial information, with the necessary modifications.

(4) A party applying to vary an order may not proceed to a variation hearing before a judge until all the applicable information has been filed by that party with the court and a court officer has determined that a variation hearing is appropriate to resolve the issues.

(5) The applicant for a variation shall file and serve a variation application and intake form in Form 70.28A, setting out the relief sought, along with a completed intake form, a supporting affidavit, a pre-hearing brief, and other necessary documentation in accordance with Rule 70.09 subject to any necessary modification, upon the other parties not later than ten (10) clear days before the hearing, unless otherwise directed by a court officer.

(6) A party responding on a variation hearing shall file and serve a response to variation application in Form 70.28B where any relief sought does not fall within the existing pleadings of the applicant, and otherwise may file and serve a response to variation application in Form 70.28B, and the response to variation application shall be filed and served upon the other parties not later than four (4) clear days before the hearing, unless otherwise directed by a court officer.

(6A) A party responding on a variation hearing shall file and serve a supporting affidavit, a pre-hearing brief, and other necessary documentation in accordance with Rule 70.09 subject to any necessary modification, upon the other parties not later than four (4) clear days before the hearing, unless otherwise directed by a court officer.

(7) The applicant for a variation may then file and serve any affidavit in reply upon the other parties not later than two (2) clear days before the hearing, unless otherwise directed by a

court officer.

(8) Evidence on a variation hearing may be given in the same manner and in accordance with Rule 70.13 respecting interim hearings.

(9) Where a variation application, has not been served within six (6) months from the date of filing, the application shall be deemed to have been discontinued.

Provisional proceedings and Interjurisdictional Support Orders Proceedings

70.29. (1) An application for a provisional order or a provisional variation order shall be accompanied by a statement of the applicant providing any available information respecting the identification, location, income and assets of the respondent.

(2) Where the court receives a provisional order or a provisional variation order for confirmation, a court officer shall cause to be served on the respondent a copy of the documents received from the court that made the provisional order and, on both the applicant and the respondent, a notice of confirmation hearing in Form 70.29A.

(3) Where the court receives a support application or support-variation application, a court officer shall cause to be served upon the respondent no less than thirty (30) days before the hearing, a copy of the support application or support-variation application received by the court and a notice of hearing in Form 70.29B.

(4) The respondent shall file with the court within twenty (20) days after service on the respondent of the notice of hearing or confirmation hearing, the respondent's answer to application in Form 70.29C, together with all other information and documents that the respondent is required to file in the notice in Form 70.29A or Form 70.29B.

Enforcement of support

70.30. (1) Subject to the Maintenance Enforcement Act, where the parties have opted out of the Maintenance Enforcement Program, a party may enforce a support order, including any amount in arrears and any past and future obligations to pay support, by execution order in the nature of a garnishee in Form 70.30A requiring that one or more income sources of the debtor deduct the amount as specified in the execution order from any remuneration of the debtor due at the time the execution order is served on the income source or thereafter due or accruing due.

(2) A court officer or a judge may conduct hearings or make orders under section 37 of the Maintenance Enforcement Act, but only a judge may make an order of imprisonment pursuant to section 37(3)(j) or (k).

(3) Rule 53 respecting execution orders applies to an execution order in the nature of a garnishee under this rule, with any necessary modifications.

(4) An execution order or an execution order in the nature of a garnishee to enforce a corollary relief judgment or an order for the payment of support shall be issued by a court officer or the prothonotary and the application for the order shall be accompanied by an affidavit containing

(a) the date of issue and terms of the corollary relief judgment or family maintenance order and of any amending or variation order, and of any execution order previously issued;

(b) particulars of the arrears claimed, including the respective due dates and amount of any payment in arrears;

(c) the last known addresses of the execution creditor and execution debtor.

Orders made by a court officer

70.31. (1) A court officer possesses all the powers of a prothonotary under the Rules.

(2) A court officer may refer any proposed order or order to a judge, who may make such order as is just or refer it back to the court officer with such directions as are necessary.

(3) Any person affected by an order of a court officer, other than a consent order, may appeal therefrom, by interlocutory application, to a judge within thirty (30) days after the order complained of has been served upon the person where service is required and within thirty (30) days of the making of the order in all other cases, and the judge may make such order as is just.

Publicity and access to files

70.32. (1) A proceeding under this Rule shall be held in public except that where the court is satisfied that

(a) the presence of the public could cause emotional harm to a child who is a witness or a participant in the hearing or is the subject of the hearing; or

(b) it would otherwise be in the interest of the proper administration of justice,

the court may exclude any or all members of the public from all or any part of the proceeding and the court may make an order prohibiting the publication of the identity of a child or any party or any witness, or of any information that would have the effect of identifying any such person.

(2) Upon the interlocutory application of any party to a proceeding, the court may order that a court file or any part of the file or any document contained in the file be sealed and treated as confidential and not made available to the public.

(3) Where a person other than a party to a proceeding or a lawyer for a party to a proceeding wishes to obtain access to a court file, the person shall first give thirty (30) days' advance notice to the parties, in the form and manner prescribed by the court.

(4) Upon receipt of such notice, any party to a proceeding may apply to the court by interlocutory application as provided in Rule 70.14 for an order sealing all or any part of the court file.

(5) If no such application is made, the person shall be granted access to the court file, subject to any terms or conditions the court may specify.

List of Forms

1. Application and Intake Form **70.05A**
2. Affidavit of Service **70.05B**
3. Notice to Appear **70.07A**
4. Notice to Disclose **70.07B**
5. Conciliation Record **70.07C**
6. Interim Order for Child*Support/Maintenance **70.07D**
7. Order to Appear and Disclose **70.07E**
8. Response to Application **70.07F**
9. Notice to Appear in Court **70.07G**
10. Parenting Statement **70.08A**
11. Statement of Guidelines Income **70.09A**
12. Statement of Special or Extraordinary Expenses **70.09B**
13. Statement of Expenses **70.09C**
14. Statement of Undue Hardship Circumstances **70.09D**
15. Statement of Property **70.09E**
16. Order for Disclosure from an Non-party **70.10A**
17. Mediation Report **70.11A**
18. Interim Application **70.13A**
19. Response to Interim Application **70.13B**
20. Interlocutory Notice - Inter Partes **70.14A**
21. Interlocutory Notice Ex Parte **70.14B**
22. Request for Trial Date and Certificate of Readiness **70.17A**
23. Petition for Divorce **70.18A**
24. Affidavit of Service (Divorce) **70.20A**
25. Answer **70.21A**
26. Answer and Counter-Petition for Divorce **70.21B**
27. Notice of Intention to Proceed on an Uncontested Basis **70.23A**
28. Waiver of Financial Statements **70.23B**
29. Application for Judgment **70.23C**
30. Divorce Judgment **70.23D**
31. Corollary Relief Judgment (Table Amount Plus Special or Extraordinary Expenses) **70.23E**
32. Corollary Relief Judgment **70.23F**
33. Certificate of Divorce **70.23G**
34. Order for Tests **70.25A**
35. Order (Table Amount Plus Special or Extraordinary Expenses) **70.26A**
36. Final Order **70.26B**
37. Variation Application and Intake Form **70.28A**
38. Response to Variation Application **70.28B**
39. Notice of Confirmation Hearing **70.29A**
40. Notice of Hearing **70.29B**
41. Respondent's Answer to Application **70.29C**
42. Execution Order in the Nature of a Garnishee **70.30A**

Please complete all Sections pertaining to your case. Please print.

Section A	Information about you. (APPLICANT)	Information about the person against whom you are making this application. (RESPONDENT)
Name	Last Name: First Name: Middle Name: Other/Previous Names:	Last Name: First Name: Middle Name: Other/Previous Names:
Gender	<input type="checkbox"/> Male <input type="checkbox"/> Female	<input type="checkbox"/> Male <input type="checkbox"/> Female
Birth Date	Day____Month_____Year_____	Day____Month_____Year_____
SIN		
Telephone Email Fax	Home Business Message Other Email Fax	Home Business Message Other Email Fax
Address	P.O. Box Apt. No. Street City/Town Province Postal Code Special Directions to Accommodate Service of Documents:	P.O. Box Apt. No. Street City/Town Province Postal Code Special Directions to Accommodate Service of Documents:
Legal Counsel	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Maybe If yes: Lawyer's Name: Firm Name: Address: Phone: Email: Fax:	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Maybe If yes: Lawyer's Name: Firm Name Address: Phone: Email: Fax:

Section A	Information about you. (APPLICANT)	Information about the person against whom you are making this application. (RESPONDENT)
Current Marital Status	<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
Income	<input type="checkbox"/> Employment Income (salary/wages) <input type="checkbox"/> Commission/Bonuses/Overtime <input type="checkbox"/> Self-employed <input type="checkbox"/> Income from a Partnership/Corporation <input type="checkbox"/> Employment Insurance <input type="checkbox"/> Social Assistance/Family Benefits <input type="checkbox"/> Worker's Compensation <input type="checkbox"/> Pension Income <input type="checkbox"/> Income from a Trust <input type="checkbox"/> Other Explain:	<input type="checkbox"/> Employment Income (salary/wages) <input type="checkbox"/> Commission/Bonuses/Overtime <input type="checkbox"/> Self-employed <input type="checkbox"/> Income from a Partnership/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:
Occupation	Occupation Employer Information Name: Address: Phone Number: Email: Fax: <input type="checkbox"/> Other Places of Employment	Occupation Employer Information Name: Address: Phone Number: Email: Fax: <input type="checkbox"/> Other Places of Employment

Section B	Relationship Between Applicant and Respondent
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<input type="checkbox"/> Married Date of Marriage: Date of Separation: <input type="checkbox"/> Common Law Date common-law relationship began: Date of Separation: <input type="checkbox"/> Divorced Date of Divorce Judgment: <input type="checkbox"/> Single <input type="checkbox"/> Parent of Applicant's Child
--

Other

Explain:

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

Section D	Most Recent Court Order or Written Agreement
Most Recent Court Order (if any): Date Issued: Court: File Number:	
Most Recent Written Agreement (if any): Date:	

FORM 70.05B

No.

**IN THE SUPREME COURT OF NOVA SCOTIA
(FAMILY DIVISION)**

BETWEEN:	*[A. B.]	Applicant/Petitioner
	- and -	
	*[C. B.]	Respondent

AFFIDAVIT OF SERVICE

I, *[name], of *[location], Nova Scotia, make oath and say that:

1. I did on *[day of the week], *[month/day/year], at *[time], personally serve the Respondent with the *[Application and Intake Form or name of document(s) being served] attached and marked Exhibit "A" to this affidavit, by delivering a true copy of the *[Application and Intake Form or name of document(s) being served] to and leaving it with the Respondent at *[location of service].

2. My means of knowledge as to the identity of the person served were as follows:

*[It is usually sufficient to indicate a driver's licence or social insurance card was produced with the party's name and recite the licence number or social insurance number, or other means which will accurately identify the Respondent].

SWORN at *[location], in the County of)
*[name of county], Province of Nova)
Scotia, this *[date] day of *[month],)
*[year], before me)
)
)
)
)
)
)
)
)

_____)
A Barrister, Notary or Commissioner of)
Oaths for the Province of Nova Scotia)

_____)
*[name]

- *[a completed and sworn Statement of Special or Extraordinary Expenses, if you intend to make a claim for special or extraordinary expenses;]
- *[a completed and sworn Statement of Undue Hardship Circumstances;]
- *[a completed and sworn Statement of Expenses;]
- *[a completed and sworn Statement of Property.]

*[Bring these completed forms with you to the scheduled conciliation meeting at the Supreme Court (Family Division) at *[location] on *[date] at *[time],] or

*[Mail or deliver the completed forms to the Supreme Court (Family Division) at *[location] on or before *[date],]

*[and provide a copy of each completed form as filed to the other party or parties or their counsel on or before the same date].

IF YOU FAIL TO APPEAR AND DISCLOSE AT THE SCHEDULED TIME, THE COURT MAY DO ANY ONE OF THE FOLLOWING WITHOUT FURTHER NOTICE TO YOU:

- (1) IMPOSE COSTS AGAINST YOU IN THE AMOUNT OF \$250.00, OR IN SUCH OTHER AMOUNT AS THE COURT CONSIDERS APPROPRIATE;**
- (2) MAKE AN INTERIM ORDER FOR CHILD SUPPORT OR CHILD MAINTENANCE AGAINST YOU;**
- (3) MAKE AN ORDER DIRECTED TO YOUR EMPLOYER OR OTHER THIRD PARTY FOR DISCLOSURE OF FINANCIAL OR OTHER INFORMATION;**
- (4) STRIKE OUT ANY APPLICATION, CLAIM OR DEFENCE MADE BY YOU IN THIS PROCEEDING, OR STAY OR DISMISS THE PROCEEDING, OR ENTER JUDGMENT AGAINST YOU.**

DATED at *[location], Nova Scotia on *[date].

*[name of court officer]
COURT OFFICER
telephone: *[number]
fax: *[number]

FORM 70.07C

No.

IN THE SUPREME COURT OF NOVA SCOTIA
(FAMILY DIVISION)

BETWEEN: *[A. B.] Applicant/Petitioner
- and -
*[C. B.] Respondent

CONCILIATION RECORD

- 1. Issues in Proceeding
*[name], Applicant [list headings: taken from section 7; Issues to be Resolved]
*[name], Respondent [list headings: taken from section 7; Issues to be Resolved]

2. Steps Taken To Date

Application and Intake: *[date]
*Referral to Parent Information: [A. B.], [date]
[C. B.], [date]
*Attendance at Parent Information: [A. B.], [date]
[C. B.], [date]
*Conciliation Meeting: [date], with [A. B.] and [C. B.]
*Conciliation Meeting: [date], with [A. B.] and [C. B.]

3. Documents Filed

By the Applicant: *Application and Intake Form, dated *
*Parenting Statement, dated *
*Statement of Income, dated *
By the Respondent: *Parenting Statement, dated *
*Statement of Income, dated *

4. Orders and Written Agreements To Date

*Consent Order respecting custody and access, dated *
*Interim Order for child support at the table amount, dated *
*Order to Disclose to *[name], by Conciliator, dated *

5. Representation by Counsel

Applicant: *[unrepresented or name of counsel]
Respondent: *[unrepresented or name of counsel]

6. Matters Not in Dispute or Agreed

*[list using headings from section 7; Issues to be Resolved]

7. Issues to be Resolved

- Custody/Access/Parenting
 - Custody: Joint or Sole Custody
 - Custodial or Residential Parent
 - Access or Contact
 - Relocation
 - Other _____

- Child Support
 - Determination of income
 - Special or extraordinary expenses
 - Undue hardship
 - Shared custody
 - Child 19 or over
 - Person in place of a parent
 - Other _____

- Spousal Support
 - Entitlement or need
 - Ability to pay
 - Amount

- Exclusive Possession or Occupation
 - Matrimonial home
 - Family residence

- Property Division
 - Classification of property
 - Valuation of property
 - Matrimonial home
 - Contribution to business asset
 - Unequal division
 - Other _____

- Other Property Issues
 - Division under applicable pension legislation
 - Trust remedies or unjust enrichment
 - Other _____

- Other _____

8. Next Steps Recommended or Taken by Conciliator

- Provide draft consent order for approval
- Refer to mediation
- Order directed to third party to disclose information
- Interim order for child support/maintenance made
- Recommend that order for child support/maintenance be varied
- Schedule an organizational pre-trial or pre-hearing conference
- Schedule a settlement conference
- Recommend that a parenting assessment report be prepared
- Schedule a hearing before a judge
- Schedule a trial before a judge
- Other _____

YOU HAVE THE RIGHT TO BE REPRESENTED BY COUNSEL IN THESE PROCEEDINGS.

THIS CONCILIATION RECORD MAY BE CONSIDERED AS EVIDENCE BY THE JUDGE, SUBJECT TO ANY OBJECTION TO ANY PART OF THE CONCILIATION RECORD IN WRITING AND FILED BY A PARTY WITHIN TWO CLEAR DAYS OF RECEIPT.

DATED at *[location], Nova Scotia, on *[date] .

*[name of court officer]
COURT OFFICER

TO: [A.B., Applicant] or *[(name)], counsel for the Applicant]
[Address]

[C.B., Respondent] or *[(name)], counsel for the Respondent]
[Address]

**IN THE SUPREME COURT OF NOVA SCOTIA
(FAMILY DIVISION)**

BETWEEN: * [A. B.] Applicant/Petitioner

- and -

 * [C. B.] Respondent

ORDER TO * [APPEAR AND] DISCLOSE

BEFORE * [COURT OFFICER *(name)] or * [THE HONOURABLE JUSTICE *(name)]:

UPON a Notice to Appear and a Notice to Disclose having been * [mailed/served] upon you, * [name], as the * [Applicant/Respondent] in this proceeding, on * [date];

AND UPON you , * [name], failing to * [appear][disclose][appear and disclose] on * [date] as directed in the Notice*(s);

YOU ARE ORDERED TO APPEAR at the Supreme Court (Family Division) located at * [location], on * [date] at * [time].

FURTHER, YOU ARE ORDERED TO PROVIDE THREE COPIES OF EACH OF THE FOLLOWING AT THAT TIME:

- a completed Parenting Statement, if you intend to make or dispute a claim respecting custody, access or parenting;
- a completed and sworn Statement of Income, including the following attachments:
 - (a) your last two consecutive income statements (for example, pay stubs, Employment Insurance stubs, social assistance stub) or, instead, a letter from your employer (or income provider) confirming your gross income year-to-date;
 - (b) notices of assessment from Canada Revenue Agency for the last three calendar years * [state last three calendar years] (if you do not have copies of these documents, you can obtain them by contacting the Canada Revenue Agency at telephone number 1-800-959-8281) or online at www.cra.gc.ca/myaccount;
 - (c) income tax returns, whether filed or not, completed and with all schedules, all attachments, including all information slips (also available through the Canada Revenue Agency), for the last three calendar years * [state last three calendar years];
 - (d) if you are self-employed, or a member of a partnership, or a trustee, administrator or

beneficiary in relation to a trust, or you control a corporation, you must comply with the directions on pages 3 and 4 of the Statement of Income;

(e) if you are unable to comply by providing the applicable attachments listed from (a) to (d), you must provide a letter stating your reasons for not complying.

* a completed and sworn Statement of Special or Extraordinary Expenses, if you intend to make a claim for special or extraordinary expenses;]

* a completed and sworn Statement of Undue Hardship Circumstances;]

* a completed and sworn Statement of Expenses;]

* a completed and sworn Statement of Property.]

*[IF YOU PROVIDE THE INFORMATION REQUIRED ABOVE TO THE COURT BEFORE * [date], THEN YOU DO NOT NEED TO APPEAR IN COURT ON [date]. OTHERWISE, YOU MUST APPEAR IN COURT ON [date].]

IF YOU HAVE NOT DISCLOSED BY *[date] AND THEN FAIL TO APPEAR AND DISCLOSE IN COURT ON [date], THE COURT MAY DO ANY OF THE FOLLOWING WITHOUT FURTHER NOTICE TO YOU:

- (1) IMPOSE COSTS AGAINST YOU IN THE AMOUNT OF \$250.00 OR IN SUCH OTHER AMOUNT AS THE COURT CONSIDERS APPROPRIATE;**
- (2) MAKE AN INTERIM OR FINAL ORDER FOR CHILD SUPPORT OR CHILD MAINTENANCE AGAINST YOU;**
- (3) MAKE AN ORDER DIRECTED TO YOUR EMPLOYER OR OTHER THIRD PARTY FOR DISCLOSURE OF FINANCIAL OR OTHER INFORMATION;**
- (4) MAKE ANY OTHER INTERIM OR FINAL ORDER AGAINST YOU, INCLUDING ORDERS FOR SPOUSAL SUPPORT, DIVISION OF PROPERTY, DIVISION OF PENSIONS OR ANY OTHER ORDER SOUGHT AGAINST YOU;**
- (5) STRIKE OUT ANY APPLICATION, CLAIM OR DEFENCE MADE BY YOU IN THIS PROCEEDING, OR STAY OR DISMISS THE PROCEEDING, OR ENTER JUDGMENT AGAINST YOU.**
- (6) FIND YOU IN CONTEMPT OF COURT AND MAKE AN ORDER AGAINST YOU FOR YOUR CONTEMPT.**

DATED at *[location], Nova Scotia on *[date].

*[name of court officer]

COURT OFFICER

telephone: *[number]

fax: *[number]

NOTE: You have the right to apply to a court officer to set aside or vary this order within thirty (30) days after receipt of the order or you have the right to appeal this order to a judge of the Supreme Court (Family Division) within thirty (30) days after receipt of the order or both.

FORM 70.07F

No.

**IN THE SUPREME COURT OF NOVA SCOTIA
(FAMILY DIVISION)**

BETWEEN:

*[A. B.]

Applicant/Petitioner

- and -

*[C. B.]

Respondent

RESPONSE TO APPLICATION

TAKE NOTICE that the Respondent makes a counter-application claiming the following relief *[other than those requested by the Applicant]:

- Under the **Maintenance and Custody Act**, including the following sections referenced in brackets:
 - Custody (s. 18)
 - Access (s. 18)
 - Child Maintenance [married parents] (s. 9)
 - Child Maintenance [unmarried parents, including a finding of paternity] (s. 11)
 - Spousal Maintenance (s. 3)
 - Order for Paternity or blood tests (s. 7)
 - Exclusive Occupation of Residence (s. 7)
 - Costs

- Under the **Matrimonial Property Act**:
 - Exclusive possession of the matrimonial home
 - Division of property
 - Division of pension
 - Other (specify)

- Under the **Pension Benefits Act**, the **Pension Benefits Standards Act, 1985**, or other applicable pension legislation to enable a division of pension

- Costs

- Other (specify, including jurisdiction or legislation governing relief sought)_____.

DATED at *[location], Nova Scotia, on *[date].

Signature of Respondent
*[Address for service]

TO: Applicant _____
*[Address for service]

FORM 70.07G

No.

IN THE SUPREME COURT OF NOVA SCOTIA
(FAMILY DIVISION)

BETWEEN: * [A. B.] Applicant/Petitioner

- and -

* [C. B.] Respondent

NOTICE TO APPEAR IN COURT

TAKE NOTICE that you are required to appear at the Supreme Court (Family Division) at * [location], on the * [date] day of [month], [year] at [time], for a :

- * [organizational pre-trial conference or pre-hearing conference.
- settlement conference.
- final hearing.
- trial.
- variation hearing.]

The appearance is scheduled for * [_____ hour(s)/day(s).]

YOU HAVE THE RIGHT TO BE REPRESENTED BY COUNSEL and it is recommended that you obtain legal advice as soon as possible.

IF YOU FAIL TO APPEAR IN COURT ON THE ABOVE DATE, THE COURT MAY DO ANY ONE OF THE FOLLOWING WITHOUT FURTHER NOTICE TO YOU:

- (1) IMPOSE COSTS AGAINST YOU IN THE AMOUNT OF \$250.00 OR IN SUCH OTHER AMOUNT AS THE COURT CONSIDERS APPROPRIATE;**
- (2) MAKE AN INTERIM OR FINAL ORDER FOR CHILD SUPPORT OR CHILD MAINTENANCE AGAINST YOU;**
- (3) MAKE AN ORDER DIRECTED TO YOUR EMPLOYER OR OTHER THIRD PARTY FOR DISCLOSURE OF FINANCIAL OR OTHER INFORMATION;**
- (4) MAKE ANY OTHER INTERIM OR FINAL ORDER AGAINST YOU, INCLUDING ORDERS FOR SPOUSAL SUPPORT, DIVISION OF PROPERTY, DIVISION OF PENSIONS OR ANY OTHER ORDER SOUGHT AGAINST YOU;**
- (5) STRIKE OUT ANY APPLICATION, CLAIM OR DEFENCE MADE BY YOU IN THIS PROCEEDING, OR STAY OR DISMISS THE PROCEEDING, OR ENTER JUDGMENT AGAINST YOU;**

(6) FIND YOU IN CONTEMPT OF COURT AND MAKE AN ORDER AGAINST YOU FOR YOUR CONTEMPT.

DATED at *[location], Nova Scotia, on *[date].

COURT OFFICER

TO: [A.B., Applicant] or *[_Name_], counsel for the Applicant]
[Address]

[C.B., Respondent] or *[_Name_], counsel for the Respondent]
[Address]

IN THE SUPREME COURT OF NOVA SCOTIA
(FAMILY DIVISION)

BETWEEN: *[A. B.] Applicant/Petitioner

 - and -

 *[C. B.] 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:

<u>Full Name (Including Middle Name)</u>	<u>Age</u>	<u>Birthdate (M/D/Y)</u>
1) _____		
2) _____		
3) _____		
4) _____		

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

<u>Child's Name</u>	<u>Days</u>	<u>Hours</u>	<u>Location</u>

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:

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

I DECLARE THAT THE ABOVE INFORMATION IS ACCURATE TO THE BEST OF MY KNOWLEDGE. (You are advised to seek legal advice if you need help in completing this form.)

Date

Signature

Full Name (Please Print)

No.

IN THE SUPREME COURT OF NOVA SCOTIA
(FAMILY DIVISION)

BETWEEN:

Applicant/Petitioner

- and -

Respondent

STATEMENT OF INCOME

OF _____ (Name)

DATE PREPARED: _____

I, _____, of _____, Province of Nova Scotia, make oath and say that:

- 1. The following chart converts my gross income (as stated on my pay stub or other document filed or attached) to a monthly figure. (If you have two income sources, use one chart for each source.)

First Income Source: _____ (Name of Source)

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

Second Income Source: _____ (Name of Source)

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

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

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

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

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

I AM AN EMPLOYEE:

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

I AM UNEMPLOYED:

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

I AM SELF-EMPLOYED:

I am self-employed and attached are:

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

I AM A MEMBER OF A PARTNERSHIP:

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

I CONTROL A CORPORATION:

- (i) Attached are true copies of the financial statements for the corporation _____ [name of corporation], in which I have a controlling interest, for the three most recent taxation years. [Where a party controls a corporation, the financial statements for the three most recent taxation years for that corporation must be provided as well as the financial statements for that company's subsidiaries].
- (ii) Attached is a statement showing a breakdown of all salaries, wages, management fees and other payments or benefits paid to, or on behalf of, persons or corporations with whom the corporation, and every related corporation does not deal at arm's length.

I AM A BENEFICIARY UNDER A TRUST:

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

I AM AN ADMINISTRATOR OR A TRUSTEE OF A TRUST

SWORN TO at *[location], in the County)
of *[name of county], Province of Nova)
Scotia, this *[date] day of *[month],)
*[year], before me)
)
)
)
_____)
A Barrister, Notary or Commissioner of)
Oaths for the Province of Nova Scotia)

_____)
*[name]

FORM 70.09B

No.

**IN THE SUPREME COURT OF NOVA SCOTIA
(FAMILY DIVISION)**

BETWEEN: *[A. B.] Applicant/Petitioner

 - and -

 *[C. B.] Respondent

STATEMENT OF SPECIAL OR EXTRAORDINARY EXPENSES
OF *[name]
DATE PREPARED: *[date]

I, *[name], of *[location], Province of Nova Scotia, make oath and say that:

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 at *[location], in the County)
of *[name of county], Province of Nova)
Scotia, this *[date] day of *[month],)
*[year], before me)
)
)

A Barrister, Notary or Commissioner of)
Oaths for the Province of Nova Scotia)

*[name]

FORM 70.09C

No.

**IN THE SUPREME COURT OF NOVA SCOTIA
(FAMILY DIVISION)**

BETWEEN: *[A. B.] Applicant/Petitioner

- and -

 *[C. B.] Respondent

**STATEMENT OF EXPENSES
OF *[name]
DATE PREPARED: *[date]**

I, *[name], of *[location], Province of Nova Scotia, make oath and say that:

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

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

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

EXPENSES	MONTHLY BUDGETED EXPENSES	COMMENTS
14. Motor Vehicle: (a) Payment		
(b) Gas		
(c) Maintenance/Repair		
(d) Insurance, License, Registration & Inspection		
(e) Parking & Tolls		
15. Taxis, Public Transportation		
16. Section 7 Child Related Expenses:		
(a) Child Care Expense (day-care or baby-sitting)		
(b) Children's Medical or Dental Insurance Premiums		
(c) Health Related Expenses		
(d) Primary or Secondary School Expense		
(e) Post Secondary School Expense		
(f) Extracurricular Activities		
17. School Supplies, Tuition, Books		
18. Children's Allowances and Activities		
19. 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		
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)		

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

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

2. The following are the names, occupations or sources of income of all persons with whom I currently reside or with whom I share living expenses or from whom I receive an economic benefit as a result of living with that person. *If you are making a claim for undue hardship, you must provide the following information. If you do not provide the following information your application for undue hardship may not be considered.*

NAME	OCCUPATION OR SOURCE OF INCOME
.	1
.	2
.	3

SWORN TO at *[location], in the County)
 of *[name of county], Province)
 of Nova Scotia, this *[date] day of)
 *[month], *[year], before me)
)
)
)
 _____)
 A Barrister, Notary or Commissioner of)
 Oaths for the Province of Nova Scotia)

_____)
 *[name]

FORM 70.09D

No.

**IN THE SUPREME COURT OF NOVA SCOTIA
(FAMILY DIVISION)**

BETWEEN: *[A. B.] Applicant/Petitioner
 - and -
 *[C. B.] Respondent

STATEMENT OF UNDUE HARDSHIP CIRCUMSTANCES
OF *[name]
DATE PREPARED: [date]

I, *[name], of *[location], Province of Nova Scotia, make oath and say that:

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 necessities 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 at *[location], in the)
County of *[name of county], Province)
of Nova Scotia, this *[date] day of)
*[month], *[year], before me)
)
)
)
)
_____)
A Barrister, Notary or Commissioner of)
Oaths for the Province of Nova Scotia)

_____)
*[name]

FORM 70.09E

No.

**IN THE SUPREME COURT OF NOVA SCOTIA
(FAMILY DIVISION)**

BETWEEN: ***[A. B.]** **Applicant/Petitioner**

- and -

***[C. B.]** **Respondent**

STATEMENT OF PROPERTY

OF *[name]

DATE PREPARED: *[date]

I, *[name], of *[location], Nova Scotia, make oath and say that 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 <u>*(date)</u>
------------------	--	-----------------------------------

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 <u>*(date)</u>
-----------------	-------------------	--------------------	-----------------------------------

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.)

Make, Model and Year	Possession	Value as of <u>*(date)</u>
-----------------------------	-------------------	-----------------------------------

Pensions

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

Category	Institution	Value as of <u>*(date)</u>
-----------------	--------------------	-----------------------------------

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.)

Category	Institution	Account Number	Value as of <u>*(date)</u>
-----------------	--------------------	-----------------------	-----------------------------------

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.)

Category	Institution	Account Number	Value as of <u>*(date)</u>
-----------------	--------------------	-----------------------	-----------------------------------

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.)

Category	Number	Description	Estimated Value as of <u>*(date)</u>
-----------------	---------------	--------------------	---

Life and Disability Insurance

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

Company	Policy No.	Owner	Beneficiary	Face Amount	Cash Surrender Value as of <u>*(date)</u>
----------------	-------------------	--------------	--------------------	--------------------	--

Accounts Receivable

(Give particulars of all debts owing to you.)

Particulars	Amount as of <u>*(date)</u>
--------------------	------------------------------------

DATED at *[location], Nova Scotia on *[date].

*[Name of Court Officer]
COURT OFFICER
*[Telephone: (number)]
*[Fax: (number)]

***[NOTE: *You have the right to appeal this order to a judge of the Supreme Court
(Family Division) within thirty (30) days after receipt of the order .]***

TO: *[Non-party Name]
 *[Title]
 *[Company Name]
 *[Address]

FORM 70.11A

No.

**IN THE SUPREME COURT OF NOVA SCOTIA
(FAMILY DIVISION)**

BETWEEN:

*[A. B.]

Applicant

- and -

*[C. B.]

Respondent

MEDIATION REPORT

(1) After the referral of the parties to mediation on *date, I met with the parties on the following dates: * .

(2) Agreement was not reached on all issues.

DATED at *[location], Nova Scotia on * [date].

MEDIATOR

TO: The Supreme Court (Family Division)

IN THE SUPREME COURT OF NOVA SCOTIA (FAMILY DIVISION)

BETWEEN: *[A. B.] Applicant/Petitioner - and - *[C. B.] Respondent

INTERIM APPLICATION

TAKE NOTICE that an Interim Application is being made by the *[Applicant/Respondent], pursuant to:

- checkbox section(s) of the Divorce Act; checkbox section(s) of the Maintenance and Custody Act; checkbox section(s) of the Matrimonial Property Act; checkbox section(s) of *(specify legislation) ;

for the following relief or orders:

- checkbox interim custody; checkbox interim access; checkbox interim child support or child maintenance; checkbox interim spousal support or spousal maintenance; checkbox interim exclusive occupation or possession of residence or matrimonial home; checkbox other interim relief, specify: .

THE APPLICATION WILL BE HEARD at the Supreme Court of Nova Scotia (Family Division), at *[location], Nova Scotia on *[date] day of *[month], *[year] at the hour of *[time] for *[duration] * minutes/hours.

ATTACHED is my affidavit and the following:

- checkbox Parenting Statement checkbox Statement of Income checkbox Statement of Special or Extraordinary Expenses checkbox Statement of Undue Hardship Circumstances checkbox Statement of Expenses checkbox Statement of Property checkbox Draft Order checkbox Pre-hearing Brief checkbox Other Affidavits and Documents (specify):

DATED at *[location], Nova Scotia on *[date].

*[A.B.,Applicant] or *[C.B., Respondent] or Lawyer for *[Applicant/Respondent] *Address, Telephone and Fax Number

TO: *[A.B.,Applicant] or *[C.B., Respondent] or Lawyer for *[Applicant/Respondent] *Address, Telephone and Fax Number

AND TO: The Supreme Court of Nova Scotia (Family Division)

* [**Note:** This form may be used for an application for an interim order without notice pursuant to Rule 70.12 or for an application for an interim order with notice pursuant to Rule 70.13. Before an interim application without notice is accepted for hearing by the court, an applicant must first explain the nature of the emergency under Rule 70.12(1) as directed by the court. An interim application with notice can only proceed to a hearing when all the applicable information has been filed with the court and a court officer or conciliator has determined that an interim hearing is necessary to resolve the issues under Rule 70.13(2).]

Checklist for Certificate of Readiness
of *[Name], the *[Applicant or Petitioner] or [Respondent]
Date Prepared: (date)

A. Documents filed and served on *[A. B., the Applicant or Petitioner] or *[C. B., the Respondent]: (check all those which apply)

- Application and Intake Form
- Petition for Divorce
- Affidavit of Service or Affidavit of Service (Divorce)
- Marriage registration
- Order dispensing with production of marriage registration
- Response to Application
- Answer
- Answer and Counter-Petition
- Parenting Statement
- Statement of Income
 - Supporting Documentation as listed in Statement
- Statement of Special or Extraordinary Expenses
 - Supporting Documentation as listed in Statement
- Statement of Expenses
 - Supporting Documentation as listed in Statement
- Statement of Undue Hardship Circumstances
 - Supporting Documentation as listed in Statement
- Statement of Property
 - Supporting Documentation as listed in Statement
- Previous court order(s)
- Other _____

B. Documents to be filed and served on *[A. B., the Applicant or Petitioner] or *[C. B., the Respondent] which shall be filed and served on or before *[date]:

- Updated supporting documentation to financial statements
- Other _____

C. Documents received from *[A. B., the Applicant or Petitioner] or *[C. B., the Respondent]

* [list the applicable documents]

D. Documents required but not received from *[A. B., the Applicant or Petitioner] or *[C. B., the Respondent]

* [list the applicable documents]

DETAILS OF THE CLAIM

1. *I/We seek an order for the following relief pursuant to the Divorce Act, 1985:
 - Divorce
 - Custody
 - Access
 - Child Support
 - Spousal Support
 - Costs

2. *I/We also seek an order for the following relief pursuant to other legislation:
 - Matrimonial Property Act**
 - Exclusive possession of the matrimonial home
 - Division of property
 - Division of pension
 - Other (specify)

 - Pension Benefits Act** to enable a division of pension
 - Pension Benefits Standards Act, 1985** to enable a division of pension

 - Change of Name Act**
 - Change of Name of *Petitioner to: *

 - Other (specify)

3. *I/We seek a divorce on the ground that there has been a permanent breakdown of the marriage, and in particular:
 - (I) The spouses have been living separate and apart since *date and will have lived separate and apart for at least one (1) year immediately preceding the determination of the divorce.

 - (ii) *[if adultery or cruelty is alleged, provide brief particulars, but do **not** name the person with whom it is alleged adultery has been committed]

4. There is no possibility of reconciliation.

5. There has been no collusion, condonation or connivance in relation to this Petition.

*I/We say that the contents of this Petition are true to the best of *my/our knowledge, information and belief.

DATED at *, Nova Scotia, on *[date].

Signature of Petitioner

*Signature of Co-Petitioner

The Petition was issued on behalf of the Petitioner by *his/her solicitor:

*[name, firm name, address, telephone and fax number]

I, * , the solicitor for the Petitioner, certify to this Court that I have complied with the requirements of s. 9 of the Divorce Act.

*Signature of Solicitor

ISSUED at *, Nova Scotia, on *[date].

COURT OFFICER

Acknowledgement of Service:

I, * , named as Respondent in this Petition have received a copy of this Petition on *[,] and my mailing address for further service is:

*street

*town/city *province

*postal code

WITNESS

Signature of Respondent

FORM 70.20A

No.

**IN THE SUPREME COURT OF NOVA SCOTIA
(FAMILY DIVISION)**

BETWEEN:	*[A. B.]	Petitioner
	- and -	
	*[C. B.]	Respondent

AFFIDAVIT OF SERVICE

I, *name, of *Halifax, Nova Scotia, make oath and say that:

- I did on *[day of the week], *month/day/year, at *[time], personally serve the Respondent with the Petition for Divorce attached and marked Exhibit "A" to this affidavit, by delivering a true copy of the Petition for Divorce to and leaving it with the Respondent at *location of service.
- At the time of such service, I requested the Respondent to complete and sign the acknowledgement of service and statement of mailing address in the Petition for Divorce. My request was complied with and I witnessed the signature and I signed the acknowledgement as witness [*or My request was refused].
- My means of knowledge as to the identity of the person served were as follows:

[*It is usually sufficient to indicate a drivers licence or social insurance card was produced with the party's name and recite the licence number or social insurance number, or other means which will accurately identify the Respondent].

SWORN at *, Nova Scotia,)
 this * day of * , * ,)
 before me)
)
)
)
 _____)
 A Barrister, Notary or Commissioner of) *name
 Oaths for the Province of Nova Scotia)

I, *name , say that the contents of this Answer are true to the best of my knowledge, information and belief.

DATED at *, Nova Scotia, on *[date].

Signature of Respondent
*Address

I, *name , the solicitor for the Respondent, certify to this Court that I have complied with the requirements of section 9 of the Divorce Act.

DATED at *, Nova Scotia, on *[date].

Signature of solicitor
*name, firm
*address, telephone and fax number

4. I seek a divorce on the ground that there has been a permanent breakdown of the marriage, and in particular:

(I) The spouses have been living separate and apart since *date and will have lived separate and apart for at least one (1) year immediately preceding the determination of the divorce.

(ii) *[if adultery or cruelty is alleged, provide brief particulars, but do **not** name the person with whom it is alleged adultery has been committed]

5. There is no possibility of reconciliation.

6. There has been no collusion, condonation or connivance in relation to this Answer and Counter-Petition.

I, *name, say that the contents of this Answer and Counter-Petition are true to the best of my knowledge, information and belief.

DATED at *, Nova Scotia, on *[date].

Signature of Respondent

*Address

I, *name, the solicitor for the Respondent, certify to this Court that I have complied with the requirements of section 9 of the Divorce Act.

DATED at *, Nova Scotia, on *[date].

Signature of solicitor

*name, firm

*address, telephone and fax number

FORM 70.23A

No.

IN THE SUPREME COURT OF NOVA SCOTIA
(FAMILY DIVISION)

BETWEEN:

*[A. B.]

Applicant/Petitioner

- and -

*[C. B.]

Respondent

NOTICE OF INTENTION TO PROCEED ON AN UNCONTESTED BASIS

Although the Respondent filed an [Answer/Answer and Counter-Petition] dated *[date], the Respondent hereby gives notice of the intention that this divorce may now proceed on an uncontested basis.

DATED at *[location], Nova Scotia on * [date].

Respondent or Lawyer for Respondent
*[Address, Telephone and Fax No.]

TO: *[A. B.] or his/her lawyer
AND TO: The Supreme Court (Family Division)

- Waiver of Financial Statements
- Affidavit of the Respondent admitting adultery
- Certified transcript of the examination for discovery of the Respondent
- Separation agreement or Minutes of settlement
- Previous court order
- Undertaking that no appeal from the Judgment will be taken
- Draft Divorce Judgment
- Draft Corollary Relief Judgment
- Acknowledgement by Respondent or Respondent's counsel of receipt of draft judgments
- Two (2) addressed envelopes to Respondent
- Two (2) addressed envelopes to Petitioner
- Other (specify)

Service

4. Service of the Petition for Divorce upon the Respondent was effected by:

- Personal service.
- Substituted service.

The affidavit of service is attached.

5. The address for service of the Respondent is *[include complete mailing address].

Petition

6. 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,... if applicable]

Financial statements

7. The financial statements filed remain true and accurate, to the best of my knowledge. [*except for the following corrections or changes,... if applicable]

Reconciliation

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

Grounds

9. *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.

*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 with respect to the conduct which is the basis of that cruelty.

*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] I have not condoned the adultery.

Collusion

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

Written Agreement or Previous Court Order

11. Attached is a true copy of the written Agreement between the Respondent and me in settlement of all corollary matters. [or *attached is a true copy of the previous court order...]

***Children**

12. The full names and birth dates of the children are: *

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

14. [*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.]

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

16. [*Explain the basis upon which the Petitioner concludes that the agreement makes reasonable arrangements for the support of the children.]

***Spousal Support**

17. [*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.]

***Change of Name**

18. I am seeking an order changing my name from *A.B. to *A.E. Prior to my marriage to the Respondent, my name was *A.E. [*or other particulars, e.g. name on birth certificate]

Costs

19. I am [*not] seeking costs, [*in the amount of \$*]. [*State the basis for the claim for costs and the amount.]

Request for Relief

20. I request that this Honourable Court grant my application for a Divorce Judgment. I also request that the terms and conditions of our Agreement be incorporated in and form part of the Corollary Relief Judgment. [*Any special relief or unusual circumstances affecting relief should be set out here.]

SWORN TO at *[location], in the County)
of *[name of county], Province of Nova)
Scotia, this *[date] day of *[month],)
*[year], before me)
)
)
)
_____)
A Barrister, Notary or Commissioner of)
Oaths for the Province of Nova Scotia)

*[name]

2. *[name of party having access] shall have access as set out in the Minutes of Settlement [or separation agreement or Family Court order] dated and detailed below: *[set out specific terms of access in detail]

[OR, WHERE JOINT CUSTODY]

1. *[name of party] and *[name of other party] shall have joint custody of the following children of the marriage:

a. *[Full name and birth date of each child to whom the order relates];

b. ...

(a) *[name of party] shall have primary care and control of the children and *[name of other party] shall have care and control as agreed by the parties *[or as set out below]: *[set out specific terms of access in detail]

(b) All other matters affecting the custody, care and control of the children are set out in the Minutes of Settlement [or separation agreement or Family Court Order] dated *[date], attached hereto and incorporated in this order. *[set out specific terms of access in detail]

Child Support

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

***add if applicable*

**{4. In addition to the table amount set out above, on the first day of each month and commencing *[date], *[name of party paying support] shall pay to *[name of party receiving support] the amount of \$*[amount] for his/her share of the following special or extraordinary expenses:

<u>Child's name</u>	<u>Particulars</u>	<u>Total Expense</u>	<u>Amount</u>	<u>Percentage</u>
			<u>to be paid</u>	<u>to be paid</u>

*[set out particulars in detail] }

***add if applicable*

**{5. In total, *[name of party paying support] shall pay child support to *[name of party receiving support] pursuant to the federal Child Support Guidelines, the amount of \$*[amount] per month, payable on the first day of each month, commencing *[date], consisting of the table amount of \$*[amount] per month plus special or extraordinary expenses of \$*[amount] per month.}

6. *[name of party maintaining coverage] shall continue [or acquire and continue] medical, dental and drug plan coverage for the children available through his/her present or subsequent employer or otherwise *[and shall reimburse *[name of other party] for receipts provided by him/her for submission to the insurer without delay]. *[set out specific terms]

7. *[name of party] and *[name of other party] shall provide each other with a copy of his or her income tax return, completed and with all attachments, even if the return is not filed, along with all notices of assessment received from Revenue Canada, on an annual basis on or before June 1st.

Spousal Support

8. Neither *[name of party] nor *[name of other party] shall now, or in the future, pay any spousal support to the other.

[or]

8. *[name of party paying support] shall pay spousal support to *[name of party receiving support] in the amount of \$*[amount] per month, payable on the first day of each month, and commencing *[date].

Payment of Support

9. All support payments shall be made payable to *[name of party receiving support]. Payments shall be forwarded 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. The current mailing addresses of the parties shall be provided to Director of Maintenance Enforcement and updated as required.

Property Division

10. The following relief pursuant to the **Matrimonial Property Act** is ordered:

The division of property shall be in accordance with the Minutes of Settlement [or separation agreement] dated *[date], attached hereto and incorporated insofar as the jurisdiction of the court

allows.

[or]

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

[or]

The division of property shall be as follows: *[set out specific terms of property division in detail].

Enforcement

11. All sheriffs, deputy sheriffs, constables and peace officers shall do all such acts as may be necessary to enforce this order and for such purposes they, and each of them, are hereby given full power and authority to enter upon any lands and premises whatsoever to enforce the terms of this order.

DATED at *[location], Nova Scotia, on *[date].

Court Officer

* [**Explanatory Note** (*not to be included in the Corollary Relief Judgment filed with the Court*): Reference should be made to Practice Memorandum No. 25 which provides directions for completion of the Corollary Relief Judgment including section **IV. NOTES** which explains the paragraphs of this Form as follows:

“AND UPON IT APPEARING” Paragraphs - refer to Note 1
Custody - Paragraph 1 options - refer to Notes 2 and 3
Access - Paragraph 2 options - refer to Note 4
Joint Custody - Paragraph 1 and 2 options - refer to Note 5
Child Support - optional additional Paragraphs 4 and 5 - refer to Note 8
Medical, dental and drug plan coverage - Paragraph 6 - refer to Note 6
Providing income tax returns - Paragraph 7 - refer to Note 7
Payment of Support - Paragraph 9 - refer to Note 9]

Enforcement

3. All sheriffs, deputy sheriffs, constables and peace officers shall do all such acts as may be necessary to enforce this order and for such purposes they, and each of them, are hereby given full power and authority to enter upon any lands and premises whatsoever to enforce the terms of this order.

DATED at *[location], Nova Scotia, on *[date].

Court Officer

FORM 70.23G

No.

**IN THE SUPREME COURT OF NOVA SCOTIA
(FAMILY DIVISION)**

CERTIFICATE OF DIVORCE

This is to certify that the marriage of *[full name of Petitioner] and *[full name of Respondent] which was solemnized on *[month/day/year], was dissolved by a Judgment which became effective on *[month/day/year].

DATED at *[location], Nova Scotia, on *[date].

COURT OFFICER

[COURT SEAL]

Paternity *[if applicable]

1. *[name of party] shall be and is hereby declared to be the father *[a possible father] of the child/ren, *[full name and birth date of each child to whom the order relates].

Custody and Access

2. *[name of party having custody] shall have custody of the following children:

- a. *[Full name and birth date of each child to whom the order relates];
- b. ...

3. *[name of party having access] shall have reasonable access to the children on reasonable notice to *[name of party having custody] at times agreed upon by the parties.

[or]

3. *[set out specific terms of access]

[OR, WHERE JOINT CUSTODY]

2. *[name of party] and *[name of other party] shall have joint custody of the following children:

- a. *[Full name and birth date of each child to whom the order relates];
- b. ...

3. *[name of party] shall have primary care and control of the children and *[name of other party] shall have care and control *[or reasonable access] as agreed by the parties *[or as set out below].

*[set out specific terms of access in detail]

Child Maintenance

4. *[name of party paying maintenance] shall pay child maintenance to *[name of party receiving maintenance] pursuant to the federal *Child 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 *[date].

***add if applicable*

**[5. In addition to the table amount set out above, on the first day of each month and commencing *[date], *[name of party paying maintenance] shall pay to *[name of party receiving maintenance] the amount of \$*[amount] for his/her share of the following special or extraordinary expenses:

<u>Child's name</u>	<u>Particulars</u>	<u>Total Expense</u>	<u>Amount to be paid</u>	<u>Percentage to be paid</u>
---------------------	--------------------	----------------------	--------------------------	------------------------------

*[set out particulars in detail]

***add if applicable*

**[6. In total, *[name of party paying maintenance] shall pay child maintenance to *[name of party receiving maintenance] pursuant to the federal *Child Maintenance Guidelines*, the amount of \$*[amount] per month, payable on the first day of each month, commencing *[date], consisting of the table amount of \$*[amount] per month plus special or extraordinary expenses of \$*[amount] per month.

7. *[name of party maintaining coverage] shall continue [or acquire and continue] medical, dental and drug plan coverage for the children available through his/her present or subsequent employer or otherwise *[and shall reimburse *[name of other party] for receipts provided by him/her for submission to the insurer without delay]. *[set out specific terms]

8. *[name of party] and *[name of other party] shall provide each other with a copy of his or her income tax return, completed and with all attachments, even if the return is not filed, along with all notices of assessment received from Revenue Canada, on an annual basis on or before June 1st.

Spousal Maintenance [if applicable]

9. Neither *[name of party] nor *[name of other party] shall now, or in the future, pay any spousal maintenance to the other.

[or]

9. *[name of party paying maintenance] shall pay spousal maintenance to *[name of party receiving maintenance] in the amount of \$*[amount] per month, payable on the first day of each month, and commencing *[date].

Payment of Maintenance

10. All maintenance payments shall be made payable to *[name of party receiving maintenance]. Payments shall be forwarded 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. The current mailing addresses of the parties shall be provided to Director of Maintenance Enforcement and updated as required.

Enforcement

11. All sheriffs, deputy sheriffs, constables and peace officers shall do all such acts as may be necessary to enforce this order and for such purposes they, and each of them, are hereby given full power and authority to enter upon any lands and premises whatsoever to enforce the terms of this order.

DATED at *[location], Nova Scotia, on *[date].

Court Officer

- Statement of Special or Extraordinary Expenses
- Statement of Undue Hardship Circumstances
- Statement of Expenses
- Statement of Property
- Pre-hearing Brief
- affidavit of the *[name], which includes evidence establishing change in circumstances
- other affidavits and documents (specify):_____ .

DATED at *[location], Nova Scotia on *[date].

*[A.B.,Applicant] or *[C.B., Respondent]
or Lawyer for *[Applicant/Respondent]
*Address, Telephone and Fax Number

TO: *[A.B.,Applicant] or *[C.B., Respondent]
or Lawyer for *[Applicant/Respondent]
*Address, Telephone and Fax Number

AND TO: The Supreme Court of Nova Scotia (Family Division)

Please complete all Sections pertaining to your case. Please print.

Section A	Information about you. (APPLICANT)	Information about the person against whom you are making this application. (RESPONDENT)
Name	Last Name: First Name: Middle Name: Other/Previous Names:	Last Name: First Name: Middle Name: Other/Previous Names:
Gender	<input type="checkbox"/> Male <input type="checkbox"/> Female	<input type="checkbox"/> Male <input type="checkbox"/> Female
Birth Date	Day ____ Month ____ Year ____	Day ____ Month ____ Year ____
SIN		
Telephone Email Fax	Home. Business. Message. Other..... Email..... Fax.	Home. Business. Message. Other..... Email..... Fax.
Address	P.O. Box. Apt. No.. Street. City/Town..... Province. Postal Code..... Special Directions to Accommodate Service of Documents:.....	P.O. Box. Apt. No.. Street. City/Town..... Province. Postal Code..... Special Directions to Accommodate Service of Documents:.....
Legal Counsel	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Maybe If yes: Lawyer's Name: Firm Name: Address: Phone:..... Email: Fax:.....	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Maybe If yes: Lawyer's Name: Firm Name. Address: Phone:..... Email: Fax:.....

Section A	Information about you. (APPLICANT)	Information about the person against whom you are making this application. (RESPONDENT)
Current Marital Status	<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
Income	<input type="checkbox"/> Employment Income (salary/wages) <input type="checkbox"/> Commission/Bonuses/Overtime <input type="checkbox"/> Self-employed <input type="checkbox"/> Income from a Partnership/Corporation <input type="checkbox"/> Employment Insurance <input type="checkbox"/> Social Assistance/Family Benefits <input type="checkbox"/> Worker's Compensation <input type="checkbox"/> Pension Income <input type="checkbox"/> Income from a Trust <input type="checkbox"/> Other Explain:.....	<input type="checkbox"/> Employment Income (salary/wages) <input type="checkbox"/> Commission/Bonuses/Overtime <input type="checkbox"/> Self-employed <input type="checkbox"/> Income from a Partnership/Corp oration <input type="checkbox"/> Employment Insurance <input type="checkbox"/> Social Assistance/Family Benefits <input type="checkbox"/> Worker's Compensation <input type="checkbox"/> Pension Income <input type="checkbox"/> Income from a Trust <input type="checkbox"/> Other Explain:.....
Occupation	Occupation. Employer Information Name:..... Address:..... Phone Number:..... Email:..... Fax:..... <input type="checkbox"/> Other Places of Employment	Occupation. Employer Information Name:..... Address:..... Phone Number:..... Email:..... Fax:..... <input type="checkbox"/> Other Places of Employment

Section B	Relationship Between Applicant and Respondent
<input type="checkbox"/> Married Date of Marriage: Date of Separation: <input type="checkbox"/> Common Law Date common-law relationship began: Date of Separation:	

Divorced

Date of Divorce Judgment:.....

Single

Parent of Applicant's Child

Other

Explain:.....

Section C

List below the full names and dates of birth of all children who are the subject of this Application.

Last Name	Given Names (underline name used)	Date of Birth	Gender (M/F)	Presently Living With:

Section D

Most Recent Court Order or Written Agreement

Most Recent Court Order (if any):

Date Issued:.....

Court:

File Number:

Most Recent Written Agreement (if any):

Date:.....

- the Statement of Special or Extraordinary Expenses
- the Statement of Undue Hardship Circumstances
- the Statement of Expenses
- the Statement of Property
- Pre-hearing Brief
- affidavit of the *[name], which includes evidence establishing change in circumstances
- other affidavits and documents (specify): _____ .

DATED at *[location], Nova Scotia on *[date].

*[C.B., Respondent] or *[A.B., Applicant]
or Lawyer for *[Applicant/Respondent]
*Address, Telephone and Fax Number

TO: *[C.B., Applicant] or *[A.B., Respondent]
or Lawyer for *[Applicant/Respondent]
*Address, Telephone and Fax Number

AND TO: The Supreme Court of Nova Scotia (Family Division)

Court File # : _____
Court Location: _____

RESPONDENT'S ANSWER TO APPLICATION

- I am the Respondent
- I am a person or agency or government with a legal right to participate in this application. My relationship is:

I have been served with a Support Application, or Support Variation Application. My address for service or delivery of documents is:

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

- I attach my sworn statement of my financial circumstances.
 - * If the application includes a claim of undue hardship respecting child support, your financial statement must include the name and sources of income of all persons with whom you reside or with whom you share living expenses or from whom you receive any benefit.

- I attach a sworn statement to provide information about the child's financial and other circumstances.
 - * If support for a child over the age of majority is claimed or is in issue, you must provide a sworn , statement to provide information about the child's financial and other circum stances. You may use the child status and financial statement (Form L) for this purpose.

I will have a lawyer at the Court hearing. My lawyer's name, address. and telephone number are:

Respondent's Signature

funds to the Sheriff immediately. You are also required to make deductions from any further funds that come due by you to the payor.

You are also required to answer any written interrogatory or question sent to you by the Sheriff with respect to any wages or other income due or accruing due to the payor.

If you fail to comply with the provisions of this order, you may be deemed to be in contempt of court and may be dealt with as the court thinks just.

DATED at _____, Nova Scotia, on _____ [month/day/year].

COURT OFFICER

The Solicitor for the *Applicant is:

*[name, firm name]

*[address]

*[telephone and fax number]