

## Rule 62 - District Family Rules

### Scope of Rule 62

- 62.01 (1)** Family law jurisdiction in Annapolis, Antigonish, Colchester, Cumberland, Digby, Guysborough, Hants, Kings, Lunenburg, Pictou, Queens, Shelburne, and Yarmouth is divided between the Supreme Court of Nova Scotia and the Family Court for the Province of Nova Scotia, and this Rule applies to Supreme Court family proceedings in those districts.
- (2) This Rule provides for an action that leads to a divorce and corollary relief, but an uncontested divorce proceeding and all other Supreme Court family proceedings may be started by application.
- (3) Rules outside this Rule that are consistent with this Rule, and with applicable legislation, apply to a Supreme Court family proceeding in the districts where jurisdiction is divided.
- (4) Rules applicable to an action apply to a divorce action as if the petitioner were a plaintiff, the respondent were a defendant, the petition were a notice of action, the answer were a notice of defence, and pleadings close when an answer is filed.
- (5) A person may start, or respond to, a Supreme Court family proceeding in the districts where jurisdiction is divided between the Supreme Court and the Family Court, in accordance with this Rule.

### Family Proceedings

- 62.02 (1)** A person may make a claim in a district for a remedy that is in the family jurisdiction of the Supreme Court by starting one of the following proceedings:
- (a) a divorce action, in which a claim is made for a divorce under the *Divorce Act* and further claims may be made for corollary relief under the *Divorce Act* or any other remedy that is conveniently determined with a claim under the *Divorce Act*;
- (b) an application, or joint application, in which the parties consent to a divorce and any corollary relief or other remedy;
- (c) an application to claim any other family remedy, including a variation, rescission, or suspension of corollary relief.
- (2) A judge may permit a person to start an application, rather than an action, for a divorce, and a judge may convert a divorce action to an application.

### **Parties and counsel (additional provisions)**

- 62.03** (1) A person may start a family proceeding under this Rule although the person, or the other party, resides in a district where the Supreme Court (Family Division) sits.
- (2) A spouse who starts a divorce action must be named as the petitioner, and the other spouse must be named as the respondent.
- (3) No other person may be made a party to a divorce action, unless a judge permits otherwise.
- (4) A lawyer for a party becomes counsel of record as provided in Rule 33 - Counsel, and the lawyer who signs a certificate required by section 9 of the *Divorce Act* or an Answer is counsel of record.
- (5) The certificate required by section 9 of the *Divorce Act* may be placed after the signature of the party on the document that starts an action or application for a divorce.

### **Place (modifying provisions)**

- 62.04** (1) A petitioner or applicant may not name Halifax, Port Hawkesbury, or Sydney under Rule 32.02(1) or a courthouse in Halifax or Cape Breton under Rule 47.03, unless a judge permits.
- (2) A judge who hears a motion for a change of the place of a proceeding, hearing, or trial in which an issue about a child is in contest must give preference to the place or courthouse nearest the residence of the child, unless another place or courthouse is substantially more convenient.

### **Case management and settlement conferences (modifying provisions)**

- 62.05** (1) A judge may give directions for the conduct of a family proceeding and, otherwise, provide case management.
- (2) Part 6 - Motions, and in particular Rule 26 - Conference, apply to case management of a family proceeding, and the presiding judge may direct a party or counsel to prepare the record of a case management conference.
- (3) A judge may appoint a time, date, and place for a settlement conference in a family proceeding and give directions for the conduct of the conference.
- (4) Rules 10.05 to 10.10 of Rule 10 - Settlement, concerning formal offers, do not apply to a family proceeding.

- (5) Rules 10.11 to 10.15, concerning the conduct of a settlement conference, do not apply to a family proceeding, unless a judge directs otherwise.

### **Discontinuance (modifying provision)**

**62.06** A petitioner may not discontinue a divorce action under Rule 9 - Discontinuance without the permission of a judge, and a judge may refuse to permit discontinuance until a claim in an answer is determined.

### **Disclosure and discovery (modifying provisions)**

**62.07 (1)** Rule 15 - Disclosure of Documents and Rule 16 - Disclosure of Electronic Information do not apply to a family proceeding, unless a judge orders otherwise.

(2) A party to a family proceeding may demand production by the other party at any time and, otherwise, Rule 14 - Discovery and Disclosure in General applies to the demand.

(3) A judge may order production in a family proceeding by a party, or a person who is not a party, under Rule 14.

(4) No party may discover a child in a family proceeding, and the prothonotary may not issue a discovery subpoena that appears to require a child to attend discovery in a family proceeding, unless a judge permits.

### **Action for divorce order and corollary relief**

**62.08 (1)** A person may apply for a divorce, and corollary relief under the *Divorce Act*, by filing a petition for divorce.

(2) A party who starts a divorce action may, in the petition for divorce, claim a remedy outside the *Divorce Act* that is conveniently determined with a claim under the *Divorce Act*.

(3) A reference in this Rule 62 to a claim, or order, for corollary relief includes a claim, or order, for a remedy outside the *Divorce Act* that is conveniently determined with a claim under the *Divorce Act*.

### **Petition for divorce**

**62.09 (1)** A petition for divorce must contain a standard heading written in accordance with Rule 82 - Administration of Civil Proceedings, be entitled "Petition for Divorce", be dated and signed by the petitioner, and include all of the following:

(a) notice that action has been started for a divorce and for the other relief described in the notice;

(b) notice of the deadlines in Rule 31 - Notice for filing an answer;

- (c) notice that the court may grant a divorce order and an order for the other relief claimed, unless the respondent files an answer;
  - (d) a statement of the restrictions on remarriage and notice of when the court issues a certificate of divorce;
  - (e) the claim for a divorce, and each other claim made by the petitioner, with references to the applicable legislation;
  - (f) details of the grounds for divorce, particulars of the marriage, facts establishing jurisdiction, details about children of the marriage, and details about agreements and earlier proceedings between the parties;
  - (g) a statement of the annual income of a party who is liable to pay child support, and the amount of monthly support claimed by the petitioner or acknowledged by the petitioner to be payable to the respondent;
  - (h) statements about the possibility of reconciliation and the absence of collusion, condonation, or connivance;
  - (i) an acknowledgement of the petitioner's obligation, if any, and notice of the respondent's obligation, if any, to make disclosure of financial information under the *Federal Child Support Guidelines* and to provide a financial statement, or statement of property, under this Rule;
  - (j) a statement explaining how documents are filed and stating the requirement for immediate delivery of a copy to the applicant;
  - (k) a designation of an address for delivery of documents to the petitioner;
  - (l) an acknowledgement of the effect of delivery to the designated address and a statement that further contact information is available from the prothonotary;
  - (m) the designation of a place of trial under Rule 62.04 and Rule 47 - Place of Trial or Hearing;
  - (n) the petitioner's declaration verifying the statements in the notice.
- (2) A certificate of the marriage sought to be dissolved must be attached to the notice, unless it is inconvenient to do so.
- (3) Both of the following apply when a petition for divorce is filed without an attached certificate of the marriage:

- (a) the certificate must be filed as soon as possible, unless it cannot be obtained;
  - (b) the party who makes a motion for a divorce and cannot obtain a marriage certificate, must prove the marriage in a manner directed by a judge.
- (4) A petition for divorce may be in Form 62.09.
- (5) A petition expires six months after the day it is filed, unless the respondent is notified of the proceeding under Rule 31 - Notice or a judge extends the time for notification.

#### **Answer to petition for divorce**

- 62.10 (1)** A respondent in a divorce action who wishes to contest a claim made by the petitioner, or to make a claim for a divorce or corollary relief, must file an answer.
- (2) The answer must contain the standard heading, be entitled “Answer”, be dated and signed by the respondent and, if represented, by counsel, and include all of the following:
- (a) a statement of which of the claims in the petition for divorce are contested, or a statement that no claims are contested and the answer is only filed to make a claim;
  - (b) a claim the respondent wishes to make in the proceeding, including references to applicable legislation;
  - (c) a statement of the annual income of a party who is liable to pay child support, and the amount of monthly support claimed by the respondent or acknowledged by the respondent to be payable to the petitioner;
  - (d) details about children of the marriage that are not included in the notice of petition;
  - (e) details about agreements, or earlier proceedings, between the parties that are not included in the notice of petition;
  - (f) other corrections to statements in the notice of petition;
  - (g) an acknowledgement of the respondent’s obligation, if any, to make disclosure of financial information under the *Federal Child Support Guidelines* and to provide a financial statement, or statement of property, under this Rule;
  - (h) the respondent’s declaration verifying the statements in the notice.

- (3) An answer may be in Form 62.10.

#### **Demand for notice**

- 62.11 (1)** A respondent who does not contest a claim made by the petitioner, and does not wish to make a claim, may demand notice of all steps in the divorce action by filing a demand for notice.
- (2) The demand for notice must contain the standard heading, be entitled “Demand for Notice (Divorce Action)”, be dated and signed, and contain notice that the demand is made, a designation of an address for delivery of documents to the respondent, an acknowledgement of the effect of delivery to the designated address, and a statement that further contact information is available from the prothonotary;
  - (3) The demand for notice may be in Form 62.11.

#### **Uncontested divorce**

- 62.12 (1)** An uncontested divorce, and uncontested corollary relief, may be sought in any of the following ways:
- (a) by filing a notice of motion in a divorce action that is uncontested;
  - (b) by filing an application for a divorce by agreement;
  - (c) by filing a joint application for a divorce.
- (2) A judge may grant an uncontested divorce, and uncontested corollary relief, without a hearing, unless the notice of motion, notice of application, or joint application provides a time, date, and place for a hearing.
  - (3) A judge may direct that an uncontested divorce be determined by hearing and set a time, date, and place for the hearing.

#### **Motion for default judgment**

- 62.13 (1)** A petitioner in a divorce action may make a motion for a divorce order and, if corollary relief is claimed in the petition for divorce, a corollary relief order when the respondent becomes disentitled to notice under Rule 31 - Notice, files a demand for notice, withdraws an answer, or consents to the order.
- (2) The motion may be made under Part 6 - Motions, or it may be made without providing for a hearing.
  - (3) A motion for a divorce without a hearing must contain everything required in an *ex parte* motion under Rule 23 - Chambers Motion, with each of the following modifications:

- (a) the motion must be entitled “Uncontested Motion for Divorce”;
  - (b) it does not state a time, date, or place for the motion to be heard;
  - (c) it must include a request that the motion be determined without a hearing;
  - (d) in addition to the affidavits relied on, it must refer to the filed marriage certificate, and any statement required by this Rule or any document providing income information required under the *Federal Child Support Guidelines*.
- (4) The motion for a divorce may be in Form 62.13.
- (5) A copy of the motion for a divorce must be delivered immediately to a respondent who files a demand for notice.
- (6) The prothonotary must deliver a motion for a divorce to a judge, and the judge must do one of the following:
- (a) determine the motion;
  - (b) notify the petitioner, and a respondent who is entitled to notice, of what further evidence or information the judge requires to determine the motion;
  - (c) dismiss the motion, or part of it;
  - (d) give directions for a hearing.

**Application for divorce based on written settlement**

- 62.14 (1)** A spouse who has the written agreement of the other spouse covering all of the following may apply for a divorce order, and any corollary relief order, by filing an application for divorce, unless there is an outstanding divorce proceeding between the spouses:
- (a) dissolution of the marriage by divorce order;
  - (b) terms for any corollary relief;
  - (c) the respondent’s designation of an address for delivery of documents;
  - (d) the respondent’s consent to proceeding by application without an opportunity for a hearing or contest.

- (2) An application for divorce based on a written settlement agreement must contain a standard heading written in accordance with Rule 82 - Administration of Civil Proceedings, be entitled “Application for Divorce by Agreement”, be dated and signed by the applicant, and include all of the following:
- (a) notice the applicant applies for a divorce order and, if applicable, a corollary relief order;
  - (b) a statement that the applicant and the respondent have executed an agreement that settles all issues between them concerning the divorce and corollary relief;
  - (c) notice the application is, in accordance with the agreement, to be referred to a judge without opportunity for a contest or hearing;
  - (d) notice that the respondent must immediately notify the prothonotary of any statement in the application with which the respondent disagrees;
  - (e) a summary of the agreement;
  - (f) a motion that a judge grant a divorce order, and any corollary relief order that is agreed upon;
  - (g) a reference to the certificate, statements, and affidavits required under Rule 62.16;
  - (h) a designation of an address for delivery of documents to the applicant;
  - (i) a statement that the respondent is being notified of the application immediately.
- (3) An application for a divorce by agreement may be in Form 62.14.
- (4) A copy of the application must be delivered to the address designated by the respondent in the agreement immediately after the application is filed.
- (5) A judge may consider the application ten days after it is filed or after the respondent receives a copy of the filed application and consents in writing to the divorce order and any corollary relief order.

### **Joint application for divorce**

- 62.15 (1)** Spouses who agree in writing for a divorce and to the terms of any corollary relief, may apply for a divorce order, and a corollary relief order, by filing a joint application for divorce.

- (2) A joint application for divorce must contain everything required in an application for a divorce by agreement, with each of the following modifications:
  - (a) there is no responding party and Rule 62.14(2) applies as if “applicant” read “applicants”;
  - (b) it must include a statement that the parties apply for relief, instead of the notice required by Rule 62.14(2)(a);
  - (c) it must be entitled “Joint Application for Divorce”;
  - (d) Rule 62.14(2)(i) does not apply.
- (3) A joint application for divorce may be in Form 62.15.

#### **Information and evidence for uncontested divorce**

- 62.16 (1)** A motion, application, or joint application for an uncontested divorce must be supported by each of the following:
- (a) a marriage certificate proving the marriage that is to be dissolved, or an affidavit proving the marriage and providing sufficient reasons for an order permitting proof by that means;
  - (b) any financial statement required by this Rule to be filed by the petitioner or applicant;
  - (c) any financial statement required by this Rule to be filed by the respondent or, on a motion for an uncontested divorce in an action in which the respondent fails to file a required statement, an affidavit proving that the filing cannot reasonably be compelled;
  - (d) any information about income required under the *Federal Child Support Guidelines*;
  - (e) an affidavit proving further facts necessary to obtain the divorce and any corollary relief, unless a judge permits the facts to be proved by testimony;
  - (f) an affidavit proving the respondent has been notified of the proceeding under Rule 31 - Notice, unless the proceeding is started by application or the respondent consents to the divorce order and any corollary relief order.
- (2) The affidavit proving further facts must include evidence on each of the following subjects:

- (a) the designated addresses for delivery of documents to the parties or, if the respondent has not designated an address, the address at which copies of the divorce order and corollary relief order may be left for the respondent;
  - (b) the accuracy of the statements in the petition for divorce, or the notice of application, and the financial statements filed by the party making the motion, and any corrections to them;
  - (c) the impossibility of reconciliation of the parties and the absence of collusion in the divorce proceeding;
  - (d) reasonable arrangements made, or to be made, for the support of a child of the marriage;
  - (e) any previous agreement or court order that is relevant to a claim;
  - (f) proof of each claim, including any claim for costs, and proof of the amount of a monetary claim.
- (3) The following claims must be proved by admissible evidence that establishes the following facts:
- (a) a divorce under paragraph 8(2)(a) of the *Divorce Act*, that the parties were living separately when the divorce action was started and lived separately for at least one year before the divorce order is granted;
  - (b) a divorce under paragraph 8(2)(b)(i), that adultery occurred and there has been no condonation or connivance;
  - (c) a divorce under paragraph 8(2)(b)(ii), that the cruelty occurred, that it made continued cohabitation intolerable, and that there has been no condonation or connivance;
  - (d) for a claim for spousal support settled by agreement in writing, the agreement and the circumstances of its execution;
  - (e) for a claim for spousal support that is not settled by written agreement, the circumstances of the parties and a child of the marriage, including their means and needs;
  - (f) for a claim for custody of, access to, or support of a child, or for a claim that child support should not be ordered, the circumstances of the parties, the proposed arrangements for the child's care and for custody and access, and any information that is relevant under the *Federal Child Support Guidelines* but is not provided by financial statements.

- (4) A party who files a notice of motion or an application for a divorce order must provide the prothonotary with stamped envelopes with the designated addresses of the parties, or the designated address of the party who files a notice of motion and the ordinary address of a respondent who has not designated an address.

**Disclosure of financial information for child support**

**62.17 (1)** A party who makes the following claim for child support, and the party against whom the claim is made must, in addition to providing the information required by the *Federal Child Support Guidelines*, file the following statement before the deadline in Rule 62.19:

<i>Claim</i>	<i>Statement</i>
child support in the table amount under the <i>Guidelines</i> and no other financial claim	by party claiming, none by party claimed against, a statement of income
special or extraordinary expenses under the <i>Guidelines</i>	by party claiming, a statement of special or extraordinary expenses by both parties, a statement of income
child support that is different from the table amount, or the table amount plus special or extraordinary expenses	by both parties, a statement of income and a statement of expenses
support for a child who is nineteen years of age or older	by the party claiming, an additional statement of the child's income and expenses
variation, rescission, or suspension of child support	the statements required above as if the party receiving support were the party claiming it, and the party required to pay support were the party claimed against.

- (2) A party who claims that child support should be different than the table amount in the *Federal Child Support Guidelines* on the basis that the table amount would cause undue hardship to a party or a child must file all of the following, in addition to the statements required by Rule 62.17(1):
- (a) a statement explaining the circumstances of the alleged hardship;
  - (b) a statement that conforms with the provisions of the *Guidelines*, including Schedule II, showing the calculation and comparison of the household standards of living of the parties;
  - (c) a copy of the income tax return and income tax assessment for the most recent year as obtained by the party from each other member of the party's household, as defined in Schedule II;

- (d) a copy of any other document in the possession of a member of the household, or a written statement by the member, providing any other information necessary to the calculation and comparison.
- (3) A party who responds to a claim based on undue hardship must file the documents referred to in Rule 62.17(2)(c) and (d) as obtained by the responding party from members of the responding party's household.
- (4) A party who responds to a claim based on undue hardship may file a calculation and comparison that conforms with the *Guidelines*, including Schedule II.

**Disclosure of financial information for other claims**

**62.18** A party who makes any of the following kinds of claims, and the party against whom the claim is made, must file the following statements before the deadline in Rule 62.19, unless the parties agree or a judge orders otherwise:

Claim	Statement
division of assets	a statement of property
spousal support	statements of the party's income, expenses, and property and statements of the income, expenses, and property of a non-party with whom the party lives, and has lived for two years or more, as a common law or domestic partner
variation, rescission, or suspension of spousal support	statements of the party's income and expenses and of a non-party to whom the party is married or with whom the party lives as a domestic partner.

**Deadlines for filing financial statements**

- 62.19 (1)** A party who starts a proceeding and makes a claim for which the party is required to file a statement under Rule 62.17 or 62.18 must, unless a judge permits otherwise, file the statement not more than ten days after the day the proceeding is started.
- (2) The other party must, unless a judge permits otherwise, file a statement under Rule 62.17 or 62.18, in the following kinds of proceedings, before the following deadline:

action for divorce	not more than fifteen days after delivery of the petition in Nova Scotia, thirty days elsewhere in Canada, and forty-five days outside Canada
application for divorce by agreement or joint application	when the application is filed

variation, rescission, or suspension of child support	the deadline for filing a response affidavit.
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- (3) A party who responds to a claim based on undue hardship must file the documents required by Rule 62.17(3), and may file the calculation and comparison permitted by Rule 62.17(4), no more than fifteen days after the day other party delivers that party's calculation and comparison.
- (4) A party who claims that child support should be increased from, or decreased from, the table amount in the *Federal Child Support Guidelines* on the basis that the table amount would cause undue hardship to a party or a child must file the required statements and copies of documents when the party files a notice in which the claim is made or, if there is no such notice, fifteen days after the day the other party delivers any required statement.
- (5) A judge may direct a party to file a required statement, or a required copy of a document, at a time different from that provided in this Rule.

#### **Content of statements**

**62.20 (1)** A statement of income must be sworn, and it must include all of the following:

- (a) an estimate of the income the party will earn in the present calendar year;
- (b) a copy of a document proving the party's most recent income, such as a pay stub, draw statement, statement of earnings or investments, or bank statement showing deposits of income not evidenced by a stub or other statement;
- (c) a breakdown showing all sources and amounts of the party's income on a monthly basis, including gross salary or wages, net self-employment income, overtime, commissions, bonuses, employment insurance benefits, pension income, dividends actually received, income from a trust, and investment income;
- (d) copies of the party's income tax returns and notices of assessment for the last three years;
- (e) for a party who is an employee, either the two most recent statements of earnings showing all earnings actually paid in the present year, including overtime, or a statement signed by the employer stating the total of all earnings to be paid annually and all earnings actually paid in the present year, including overtime;
- (f) for a party who is unemployed, the party's statement of all income for the present year with a breakdown by source;

- (g) for a party who is self-employed other than in a partnership, financial statements for the three most recent years, and, for that same period, a statement showing all payments to, or for the benefit of, an employee or contractor who is not at arms length;
- (h) for a party who obtains income from a partnership, a statement signed by another partner or the person who manages the partnership stating the party's income from the partnership, draws, and capital in the three latest tax years;
- (i) for a party who has a controlling interest in a corporation, the corporation's financial statements and those of a subsidiary for the three most recent tax years and, for that same period, a statement showing all payments to or for the benefit of an employee or contractor who is not at arms length;
- (j) for a party who receives income from a trust or investment, copies of the trust document or investment agreement and financial statements of the trust or records of income from the investment for the three latest years.

#### **Obtaining divorce trial dates**

- 62.21 (1)** After all of the following are done, a party to a divorce action may request from the prothonotary an appointment for a date assignment conference at which trial dates may be assigned, and directions may be given, by a judge:
- (a) the party requesting the appointment files all statements and documents to make disclosure as required by this Rule or the *Federal Child Support Guidelines*;
  - (b) the other party files required statements or documents or the requesting party includes in the request an explanation of why this is not necessary or possible;
  - (c) the parties have prepared for trial sufficiently that there is little risk that the trial will be adjourned to allow further preparation or to permit a party to take a further step in the proceeding.
- (2)** The request for a date assignment conference must include the party's representation that the things required by Rule 62.21(1) have been done.
- (3)** A judge, or a person designated by a judge who resides in the district, must notify the parties of the time and date of the conference no more than twenty-five days after the day the request is filed.

- (4) This Rule does not limit the power of a judge to appoint a time, date, and place for a trial at a case management conference or otherwise.

### **Divorce trial**

- 62.22 (1)** A divorce trial may be conducted in accordance with Rule 51 - Conduct of Trial, with each of the following additional provisions:
- (a) the trial judge may direct that the trial be conducted on affidavit evidence rather than testimony, or that it be conducted partly on affidavit evidence;
  - (b) a document purporting to be official proof of a marriage in another jurisdiction proves the marriage, unless the contrary is established;
  - (c) unless the trial judge directs otherwise, all claims, including claims outside the *Divorce Act*, are tried together, the case for the petitioner must include the petitioner's evidence on all claims, and so must the case for the respondent;
  - (d) a statement filed or required by this Rule or the *Federal Child Support Guidelines*, and a filed document containing information required to be provided by the *Guidelines*, may be admitted and tendered as an exhibit without further proof.
- (2) Each party must, no less than twenty-five days before the day the trial is scheduled to start, review the statements or documents filed by the party in compliance with this Rule or the *Federal Child Support Guidelines*, and file an up-to-date statement or document to supercede a statement or document that does not contain the most current information.

### **Divorce order**

- 62.23 (1)** A judge who grants a divorce may make a divorce order.
- (2) Unless the judge directs otherwise, the order must conform with Rule 78.05 of Rule 78 - Order, except it is titled "Divorce Order", and the order must include all of the following:
- (a) a provision divorcing the parties, which must include their names, the place of the marriage, and date of the marriage;
  - (b) a provision establishing the effective date of the divorce;
  - (c) a direction requiring the prothonotary to mail certified copies of the divorce order to the parties;

- (d) a direction requiring the prothonotary to issue a certificate of divorce when satisfied that a copy of the divorce order has been mailed to both parties, the order is effective, and no appeal is started;
  - (e) a declaration that neither the divorce order, nor a corollary relief order, is intended to affect a statutory entitlement to seek a division of credits or benefits under the *Canada Pension Act*.
- (3) The divorce order may also provide for a change of name under the *Change of Name Act*.
  - (4) The divorce order may be in Form 62.23.

### **Corollary relief order**

- 62.24 (1)** Unless the judge who grants a divorce directs otherwise, a corollary relief order must be issued immediately after the divorce order.
- (2) Unless the judge directs otherwise, the order must conform with Rule 78.05 of Rule 78 - Order, except it is entitled “Corollary Relief Order”, it must refer to the divorce order and its date, and it must require a sheriff to enforce the order with all powers of a sheriff under an execution order.
  - (3) Unless the judge directs otherwise, a corollary relief order with a provision for payment of child support must include all of the following:
    - (a) a record of a finding of the amount of the annual income of the paying party for the purpose of determining the table amount under the *Federal Child Support Guidelines*;
    - (b) a record of findings of the annual incomes of both parties, if there is an order for payment of special or extraordinary expenses;
    - (c) provisions for custody of, and access to, the child;
    - (d) a provision for payment of child support and, if ordered, payment of a share of special or extraordinary expenses, maintenance or acquisition of medical, dental, or drug coverage for the child and cooperation in obtaining reimbursement;
    - (e) a provision for annual disclosure of income, income tax returns, assessments, and reassessments;
    - (f) terms for delivery of support payments to the Director of Maintenance Enforcement or to the other party and a record of the addresses of the parties.

- (4) A corollary relief order may provide for any of the following, in addition to corollary relief under the *Divorce Act*:
  - (a) division of pension benefits;
  - (b) delivery of payments to the Director of Maintenance Enforcement or directly to the party who receives support;
  - (c) a record of the addresses of both parties.
- (5) Unless a judge directs otherwise, orders resulting from a claim for a remedy outside the *Divorce Act*, other than under the *Change of Name Act*, must be included in the corollary relief order.
- (6) A corollary relief order may be in Form 62.24.

#### **Divorce certificate**

- 62.25** (1) After the period for appealing an order under the *Divorce Act* in Rule 90 - Civil Appeal, a prothonotary must do all of the following:
- (a) determine whether the divorce order has been appealed;
  - (b) cause a certificate of divorce to be issued and sealed, if there is no appeal;
  - (c) mail a duplicate original certificate to both parties.
- (2) The certificate of divorce must be entitled “Certificate of Divorce”, contain the year, registry code, number of the action, and name of the court, provide the names of the parties and the date of the marriage that was the subject of the proceeding, certify the marriage was dissolved by a divorce order, and certify the date the order took effect.
- (3) The certificate of divorce may be in Form 62.25.

#### **Registration of divorce order**

- 62.26** An order made by another court under section 20 of the *Divorce Act*, may be registered by filing a certified copy of the order and a written request that the order be registered.

#### **Provisional order under the *Divorce Act***

- 62.27** (1) A party who applies for a provisional order under section 18 of the *Divorce Act* must include in the affidavit in support of the application all available information about the income and assets of the respondent.

- (2) A proceeding for confirmation of a provisional order under section 19 of the *Divorce Act* is started when the court issues the notice of hearing required by that section.
- (3) The notice of proceeding must contain a standard heading written in accordance with Rule 82 - Administration of Civil Proceedings, be entitled “Notice of Hearing Concerning Provisional Order”, be issued by the prothonotary, and give notice to the party against whom the provisional order is issued of all of the following:
  - (a) the provisional order;
  - (b) the time, date, and place of the hearing;
  - (c) the respondent’s rights to be present, to be represented by counsel, and to present evidence and make submissions;
  - (d) all documents received from the court that made the provisional order.
- (4) The notice of hearing may be in Form 62.27.

#### **Varying, rescinding, or suspending corollary relief**

- 62.28** (1) A person who wishes to seek an order under the *Divorce Act* varying, rescinding, or suspending an order that provides for corollary relief may do so by filing a notice of application in chambers, if the person is satisfied the hearing will take less than a half-day, or otherwise a notice of application in court.
- (2) The affidavit in support of the application must include a copy of the corollary relief order and any order varying, rescinding, or suspending corollary relief.
  - (3) The number assigned by the prothonotary to an application for variation, rescission, or suspension of a corollary relief order made in Nova Scotia must be the same as the number of the divorce proceeding, followed by the letter “A” or, for subsequent applications, “B” and so on.
  - (4) A judge may direct that a court record associated with an order made in Nova Scotia be considered as evidence when the application is heard.

#### **Family proceedings outside divorce**

- 62.29** (1) A person may start a proceeding for an order dissolving or annulling a marriage, an order under the *Testator’s Family Maintenance Act* or the *Matrimonial Property Act*, an order for custody of or access to a child, or any other order in the jurisdiction of the court by filing a notice under Rule 5 - Application.

- (2) A party who starts an application for an order under the *Matrimonial Property Act* must file that party's statement of property with the notice of application, and the other party must file a statement of property before the deadline for filing a response affidavit or as directed by a judge.

#### **Protection of child and the open court principle**

- 62.30** (1) Despite Rule 85 - Access to Court Records, a prothonotary may refuse a person who is not a party access to a record in a proceeding involving a child.
- (2) The person may make a motion to a judge for access to the record.
  - (3) A judge who hears a motion for access must consider whether providing access to the record is likely to cause damage to a child and take that into account in deciding to order access, to order access on conditions, or to make an order for confidentiality under Rule 85.04 of Rule 85 - Court Records.

#### **Dormant petition or application**

- 62.31** (1) The prothonotary must make a motion to dismiss a petition for which no trial date is set, and an application for which no hearing date is set, five years after the day the petition or application is filed.
- (2) The motion may include dismissal of a claim made in an answer or otherwise by a respondent.