

Supreme Court of Nova Scotia

Between:

[name] as litigation guardian for [name] [title in proceeding]

and

[name] [title in proceeding]

**Order Approving Settlement and Establishing Trust**

Before the Honourable Justice [name or blank] in chambers

The court is satisfied that a settlement between the parties to this action by which \$ is paid for the benefit of [name of child] , who is years of age, is in [his/her] best interests.

The court is also satisfied that [name of proposed trustee] is a fit person to act as trustee of the settlement funds for [name of child] .

On the motion of as counsel for , the following is ordered:

- 1 It is declared that the parties made a settlement agreement, by which the defendant pays the sum of \$ for the benefit of [name of child] in exchange for a general release of the defendant from all claims made by the child [if an action, *and an order dismissing this proceeding*] .
- 2 The settlement is approved.
- 3 [name] is appointed trustee of the settlement fund for the benefit of [name of child] .
- 4 Delivery of a bond signed by [name of surety company or names of trustee and sureties] is now accepted by the court.

OR

- 4 This order is effective only when [name of surety company] delivers a bond to the court in the form attached to this order.
- 5 The litigation guardian is authorized to bind the plaintiff to a release by signing it and delivering it to the defendant.
- 6 Counsel's fees and disbursements are approved in the amount of \$ \_\_\_\_\_, and counsel may deduct that amount from the settlement fund. [If fees are based on a contingency agreement this paragraph should include the calculation and recognize the treatment of costs paid by the defendant and any discount allowed by counsel.]
- 7 The litigation guardian's expenses are approved in the amount of \$ \_\_\_\_\_, and counsel may reimburse that amount from the settlement fund.
- 8 Counsel must pay the balance of \$ \_\_\_\_\_ to the trustee, who is directed to deal with it as follows:
- (a) safely invest, and keep invested, the money in investments permitted by law for the investment of trust funds;
  - (b) use such of the income, and, if the income is insufficient, such of the principal as the trustee finds advisable for the following expenses:
    - (i) to reimburse expenses that the trustee incurs in administering the trust and that are approved by the court,
    - (ii) to pay for uninsured medical treatment and care arising from the injuries for which the settlement fund was paid,
    - (iii) [other purposes may be included if they are justified by evidence and are beyond those that would normally be provided had there been no injury] ;
  - (c) manage the trust funds according to law;
  - (d) pay the balance to [name] when [he/she] reaches the age of majority or, if [he/she] should die or become unable to manage [his/her] affairs, to such person as a judge directs;
  - (e) account as the trustee has undertaken to do.
- 9 An interested person may make a motion to change the terms of this order or for directions.

10     *[This action is dismissed when the settlement funds are delivered to counsel for the plaintiff./The claims of name of child are dismissed when the settlement funds are delivered to counsel for the plaintiff and the claims of other parties remain to be determined.]* Note: Do not include if the order is sought by notice of application rather than by motion in an action.

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

\_\_\_\_\_  
Prothonotary

CONSENTED TO:

\_\_\_\_\_  
as counsel for the  
[applicant/plaintiff]

\_\_\_\_\_  
as counsel for the  
[respondent/defendant]