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Form 59.12

No.

Supreme Court of Nova Scotia
(Family Division)

Between:

Applicant

and

Respondent

Notice of Variation Application

To:

The applicant requests an order or orders to be changed

The applicant, , is applying to vary or change an order or orders which is permitted by the following:

☐ section 17 of the *Divorce Act*

☐ section 37 of the *Parenting and Support*

The changes would affect the following order or orders:

_____

_____

_____

The changes would affect the following child or children:

Child's Last Name	First and Middle Names	Date of Birth (d/m/y)

The requested changes are as a result of a change in circumstances which are described in the applicant's affidavit provided with this application.

The requested changes concern the following:

- ☐ parenting / contact
  - ☐ decision-making responsibility/custody
  - ☐ parenting time [choose one]
    - ☐ primary care (time in excess of 60%)
    - ☐ shared parenting (time between 40-60%)
    - ☐ other
  - ☐ relocation of the child
    - ☐ preventing ☐ authorizing
  - ☐ relocation of a parent
  - ☐ contact time or interaction
  - ☐ grandparent contact time or interaction
  - ☐ other
- ☐ child support
  - ☐ table amount
  - ☐ special or extraordinary expenses
  - ☐ change in number of dependent children
  - ☐ retroactive variation
  - ☐ termination of child support
  - ☐ administrative recalculation of child support
  - ☐ other:

_____

_____

_____

☐ spousal support

☐ retroactive variation from _____ to _____

☐ termination of spousal support

☐ other:

_____

_____

☐ arrears of support:

_____

_____

☐ other:

_____

_____

As part of the variation application, the applicant is applying:

☐ under section 15 of the Maintenance Enforcement Act to address a dispute between the parties about the amount of arrears

☐ under section 46(4) of the Maintenance Enforcement Act for relief from payment of arrears

The applicant requests that the changes take effect as of (date) _____
and the applicant must present evidence in support of this date.

The applicant started this variation application by filing this notice on the date certified by the court officer

Other relevant proceedings and orders
The applicant confirms that:

☐ There are, and there were, *no* other proceedings between the parties, or proceedings/circumstances affecting the well-being or safety of the children/ parties.

OR

☐ There are, or there were, other proceedings between the parties or proceedings/circumstances affecting the well-being or safety of the children/parties, details of which are as follows:

Type of proceeding(s) & court file number:

_____

Order(s) or other measure:

_____

Circumstance(s):

_____

Documents in support of application
The applicant files the following documents in support of the application:

☐ parenting statement

☐ statement of contact time and interaction

☐ statement of income

☐ statement of special or extraordinary expenses

☐ statement of undue hardship circumstances

☐ statement of expenses

☐ statement of property

☐ pre-hearing brief

☐ affidavit of _____
which includes evidence establishing change in circumstances and evidence supporting the effective date

☐ other affidavits and documents

_____

_____

☐ certified copy of each order that the applicant seeks to vary

A copy of each document is to be delivered to you with this notice.

Response to variation application
To respond to the variation application, or to make your own variation application, you or your counsel may file a response to variation application. A judge or court officer will direct you regarding the deadline for filing a response to variation application.

Required to file documents
There are requirements in the Nova Scotia Civil Procedure Rules for parties to file documents and these requirements depend on the type of relief sought. A judge or court officer may direct you to file documents and provide information by a specific date in response to this application.

Possible order against you
A judge may grant a final order on the variation application without further notice to you if you fail to appear at the court when directed or fail to file documents as directed.

Filing and delivering documents
Any documents you file with the court must be filed at the courthouse at

Choose one

The *Nova Scotia Civil Procedure Rules* require that whenever you file a document you must immediately deliver a copy of it to the applicant, or respondent, and to each other party entitled to notice, unless the document is part of an *ex parte* motion, the parties agree delivery is not required, or a judge or a court officer directs it is not required.

Designated address for service
The applicant designates the following address for delivery of documents:

Documents delivered to this address will be considered to be received by the applicant on delivery.

Signature & certificate of applicant
By signing below, I confirm that this is my application and certify that I am aware of my duties, including:

1. I must exercise any decision-making responsibility or parenting time allotted to me, or contact time under a contact order, in a manner that is consistent with the best interests of the child/children;

2. To the best of my ability, I must protect the child/children of the marriage from conflict arising from this proceeding;

3. To the extent that it is appropriate to do so, I must try to resolve the issues in this proceeding through a family dispute resolution process;

4. I must provide complete, accurate and up-to-date information as required under the *Divorce Act*, as part of this proceeding and under a Court Order; and,

5. If I am subject to an order, I must follow and comply with the order until it is no longer in effect.

Signed _____

_____
Signature of applicant
Print name:

[complete additional signature if more than one applicant]

Signed _____

_____
Signature of applicant
Print name:

Counsel's certificate [delete if not represented by counsel]
I, counsel for the applicant, certify that I have complied with the requirements of section 7.7 of the *Divorce Act*/section 54C(2) of the *Parenting and Support Act*.

_____
Signature of counsel
Print name:

Court officer's certificate
I certify that this notice of variation application was filed with the court on _____, 20____.

_____
Court Officer

For delivery with supporting documents to each respondent: