

Between:

Applicant

and

Respondent

**Notice of Application**

**To:**

**The Applicant requests an order**

The Applicant, \_\_\_\_\_, is applying for an order that would affect the following child or children:

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

**The applicant is applying for an order for the following:**

<p><b>PART I: relief under the <i>Parenting and Support Act</i></b> (This part will generally apply to you if you are not divorced from or divorcing the other party and you are seeking any relief set out in the boxes below. To complete this part, check this box and all relevant boxes below.)</p>	
Parenting	Contact
<p>custody and parenting arrangements (s. 18)</p> <p>leave to apply by person who is not a parent or guardian</p> <p>parenting time (s. 18)</p> <p>primary care (time in excess of 60%)</p> <p>shared parenting (time between 40-60%)</p> <p>other</p> <p>leave to apply by person who is not a parent/guardian</p> <p>paternity testing (s. 27)</p>	<p>grandparent contact time (s. 18)</p> <p>grandparent interaction (s. 18)</p> <p>contact time (s. 18)</p> <p>leave to apply by person who is not a parent, grandparent or guardian (s. 18)</p> <p>interaction (s.18)</p> <p>leave to apply by person who is not a parent, grandparent or guardian (s. 18)</p>

Support	
<p>child support involving (must choose one)</p> <p>    married parents/guardians (s. 9)</p> <p>    unmarried parents/finding of paternity (s.11)</p> <p>child support details (must complete)</p> <p>    payable from (date)</p> <p>    _____ forward</p> <p>    table amount</p> <p>    special or extraordinary expenses</p> <p>    administrative recalculation  <i>(Administrative Recalculation of Child Support Regulations, s. 8)</i></p> <p>    medical insurance (s. 9 or 11)</p>	<p>spousal support (s. 3)</p> <p>    payable from (date)</p> <p>    _____ forward</p>

Relocation	Other
<p>determining or waiving notice for relocation (s.18F)</p> <p>relocation of a child (s. 18G)</p> <p>    authorizing</p> <p>    preventing</p> <p>relocation of a parent (s. 18G)</p>	<p>exclusive occupation of residence (s. 7)</p> <p>registering an agreement or parenting plan (s. 52)</p> <p>addressing denial of time or interaction with a child (s.40)</p> <p>addressing failure to exercise time or interaction with a child (s.40A)</p> <p>requiring the respondent's appearance to explain failure to comply with an order (s.41)</p>

PART II: relief under the <i>Maintenance Enforcement Act</i> (This part may apply if there is a dispute about the amount of child support owing or paid during a period of time before the date this application was filed. To complete this part, check this box and all relevant boxes below.)	
<p>enforcing arrears incurred before the support order was filed with the Maintenance Enforcement Program and after receiving the Director's written confirmation of (date)</p> <p>_____ stating</p> <p>that those arrears will not be enforced (s. 15)</p>	<p>addressing a dispute between the parties about the amount of arrears (s. 15)</p>

**PART III: relief under the *Divorce Act* – for non-spouses**

(To complete this part, check this box and relevant boxes below.)

**NOTE:** If you want to change a court order made under the *Divorce Act*, do **not** use this form. You **must** complete the Notice of Variation Application Form (Form FD 59.12) instead of this form.

contact arrangements and leave to apply by a person who is *not* a divorcing spouse (s. 16.5 & 16.5(3))(e.g. grandparent, or someone else important to the child)

contact time

interaction

parenting arrangements and leave to apply by a person who is *not* a divorcing spouse but who is a parent, stands in the place of a parent, or intends to stand in the place of a parent (s. 16.1 & 16.1(3))(e.g. grandparent or someone else who is like a parent to a child, or who wants to be)

parenting time

decision-making responsibility

other:

**PART IV: Other** (This part may apply to you if the relief you are seeking is not listed above.

Examples: relief under the *Vital Statistics Act*, *Change of Name Act*, unjust enrichment/constructive trust, or other authority. To complete this part, please check this box and complete the portion below.)

costs

other:

The applicant started this 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:

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Order(s) or other measure:

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Circumstance(s):

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### **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
- other affidavits and documents

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

### **Response to Application**

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

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 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 law, 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 on

\_\_\_\_\_  
Signature of applicant  
Name:

[complete additional signature if more than one applicant]

Signed on

\_\_\_\_\_  
Signature of applicant  
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

**Court officer's certificate**

I certify that this notice of application was filed with the court on \_\_\_\_\_, 20\_\_

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Court Officer

For delivery with supporting documents to each respondent: