**Form 59.12**

20 No.

Supreme Court of Nova Scotia

(Family Division)

Between: [complete the heading as required by Rule 82 - Administration of Civil Proceedings]

[full name, including middle name(s)] Applicant

and

[full name, including middle name(s)] Respondent

**Notice of Variation Application**

**To:** [name of respondent or respondents]

**The applicant requests an order or orders be changed**

The applicant, [name of party] , is applying to vary or change an order or orders which is permitted by the following: [may delete the one that does not apply]

section 17 of the *Divorce Act*;

section 37 of the *Parenting and Support Act*.

The changes would affect the following order or orders: [include the title and date of each order]

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

The changes would affect the following child or children: [may delete if there are no children affected]

|  |  |  |
| --- | --- | --- |
| Child’s Last Name | First & 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: [check only those that apply]

* 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 [give specifics] \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

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* spousal support
* retroactive variation from \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ to \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_
* termination of spousal support
* other [give specifics]
* arrears of support [give specifics] \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

* other [give specifics] \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

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As part of the variation application, the applicant is applying: [check only those that apply]

* 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.

[may specify for each change if necessary]

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: [may delete the one that does not apply]

* 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: [complete the sections below for each proceeding]

Type of proceeding(s) & court file number: [describe each, for instance civil, protection, criminal or other proceeding] \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Order(s) or other measure: [describe, such as an order to protect a person’s safety, recognizance or undertaking, peace bond, condition, etc.]\_\_\_\_\_\_\_\_\_\_\_

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Circumstance(s): [describe]\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

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**Documents in support of application**

The applicantfiles 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 [name of applicant] ,

which includes evidence establishing change in circumstances and evidence supporting the effective date

☐ other affidavits and documents [give specifics] \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

☐ 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 [*Street/Avenue*], , Nova Scotia (telephone # ).

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 , 20

Signature of applicant

Print name:

[complete additional signature if more than one applicant]

Signed on , 20

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

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 variation application was filed with the court on , 20 .

Court Officer

For delivery with supporting documents to each respondent:

[full name and address of each]