

Family Division Practice Memorandum

Part 1 - Scope and application of Rules

- 1.01** This Practice Memorandum applies to any proceeding started, dealt with, and heard in the Supreme Court (Family Division), unless a judge directs otherwise.
- 1.02** The *Nova Scotia Civil Procedure Rules*, and Rule 59 - Family Division Rules in particular, apply to all of the documents and procedures provided in this Practice Memorandum.
- 1.03** Any reference in this Practice Memorandum to a particular rule number means that Rule contained in the *Nova Scotia Civil Procedure Rules*.
- 1.04** Brackets are used in the forms in this Practice Memorandum to indicate that guidance is being provided on how to complete a blank part of the Form, and italicized words in brackets are used to indicate recommended wording.
- 1.05** The brackets and guidance information contained within them, other than the applicable recommended wording, must be deleted from the version of the document or order prepared for filing.

Part 2 - Documents

Filing, format, and content requirements

- 2.01 (1)** The following documents are provided in this Practice Memorandum and must be filed by the parties as required under Rule 59 and the applicable legislation:
- (a) statement of contact information and circumstances;
 - (b) parenting statement, if custody, parenting time, contact time or interaction is claimed;
 - (c) statement of income, if child or spousal support is claimed;
 - (d) statement of special or extraordinary expenses, if child support including support for special or extraordinary expenses is claimed;
 - (e) statement of undue hardship circumstances, if child support is claimed and a party claims the amount of support should be increased from, or decreased from, the table amount on the basis that child support in the table amount would cause undue hardship;
 - (f) statement of expenses, if spousal support is in issue, or child support is claimed and a party claims an amount that is different from the table amount, or the table amount plus special or extraordinary expenses;
 - (g) statement of property, if spousal support is in issue or there is a claim for division of assets;
 - (h) motion for directions, and affidavit supporting a motion for directions, if a party seeks to proceed to a hearing under Rule 59.37;
 - (i) request for a date assignment conference, if a party seeks to proceed to a divorce trial under Rule 59.41;
 - (j) waiver of financial statements, if the parties agree to waive, and meet the requirements under either Rules 59.21(3) or 59.47(3);
 - (k) affidavit supporting an uncontested divorce under Rule 59.47(1)(e).

- (2) The format and content for each document are mandatory as set out in the Forms listed in the following table, unless a judge orders otherwise prior to a hearing or trial of any motion or proceeding:

<i>Form Number</i>	<i>Description</i>
FD 1	statement of contact information and circumstances
FD 2A	parenting statement
FD 2B	statement of contact time and interaction
FD 3	statement of income
FD 4	statement of special or extraordinary expenses
FD 5	statement of undue hardship circumstances
FD 6	statement of expenses
FD 7	statement of property
FD 8	notice of motion for directions (family)
FD 9	affidavit supporting a motion for directions (family)
FD 10	request for a date assignment conference (divorce)
FD 11	waiver of financial statements
FD 12	affidavit supporting an uncontested divorce
FD 13	notice of motion for interim relief (family proceedings)
FD 14	<i>ex parte</i> motion (family proceedings)

Part 3 - Settlement Conferences

- 3.01** **(1)** The purpose of the settlement conference is to effect an early and inexpensive resolution and this requires full and frank disclosure of the merits and weaknesses of the respective cases.
- (2)** Rule 10.16 addresses the confidentiality of communications, recordings and documents in a settlement conference.
- (3)** To encourage participation in these settlement techniques, and to avoid the parties being concerned that they might be prejudiced by a settlement conference if the case goes to trial, the judge conducting the settlement conference will not be the trial judge.
- 3.02** A judge who conducts a settlement conference at which the parties reach agreement is responsible for advising the court officer who scheduled the proceeding of the effect the agreement may have on the requirements for trial or hearing dates.

Part 4 - Orders

Purpose

- 4.01** This part 4 of the Practice Memorandum provides standards for clauses in orders.
- 4.02** These standards comply with the requirements of the *Guidelines* for the corollary relief of child support, and for child support in family proceedings.
- 4.03** This Part also provides notes to explain in greater detail the content of the clauses, and provides a list of alternative clauses to assist parties in preparing orders.

Definitions

- 4.04** In this Part 4,

“*Guidelines*” means the *Federal Child Support Guidelines* or the provincial *Child Support Guidelines* or both, as the context requires;

“order provision” means a written statement of an order being made by a judge, which may include directions and rulings;

“payor” means the party paying support;

“recipient” means the party receiving support;

“recital” means a written factual statement that provides required background information for the provisions of an order;

“table amount” means an amount of child support determined under section 3 of the *Guidelines* using the tables provided in Schedule I of the *Guidelines*;

“variation order” means an order made to vary, rescind, or suspend another order made under the *Divorce Act* or the *Parenting and Support Act*.

Filing, format, and form requirements

- 4.05 (1)** The following orders are provided in this Practice Memorandum and must be drafted and settled as required under Rule 59, Rule 78 - Order, and this Part 3:
- (a) interim order for child support or maintenance made by a judge or court officer under Rule 59.33;

- (b) divorce order and corollary relief order under Rule 59.48;
 - (c) final order for an original proceeding other than a divorce proceeding and for a motion under Rule 59.53;
 - (d) order for a paternity testing made by a court officer under Rule 59.55.
- (2) A judge may give directions on the format and content of an order at any time prior to the order being made.
- (3) The form for orders listed in the following table are provided in this Practice Memorandum, and the format and content of each form of order are recommended:

<i>Order Number</i>	<i>Description</i>
FDO 1	interim order for child support
59.48A	divorce order
59.48B	corollary relief order
FDO 4	order (family proceeding)
FDO 5	order for paternity testing
FDO 6	order for an assessment

Corollary relief order

- 4.06** (1) The *Federal Child Support Guidelines* set out specific requirements for the contents of a corollary relief order made under the *Divorce Act*.
- (2) Form 59.48B is to be used for a corollary relief order made for child support at the table amount under the *Federal Child Support Guidelines*, or for child support at the table amount plus special or extraordinary expenses.
- (3) Additional clauses from the list of alternative clauses provided in this Part 4, or as otherwise required, may be added to the corollary relief order to address the other situations in which a child support order is made.
- (4) Form 59.48B also provides clauses for corollary relief relating to custody, parenting time, contact time or interaction, and spousal support, as well as property division.

Order (family proceeding)

- 4.07** (1) The provincial *Child Support Guidelines* set out specific requirements for the contents of an order for child support made under the *Parenting and Support Act*.
- (2) Form FDO 4 is to be used for an order made for child support at the table amount under the provincial *Child Support Guidelines*, or for child support at the table amount plus special or extraordinary expenses.
- (3) Additional clauses from the list of alternative clauses provided in this Part 4, or as otherwise required, may be added to the order (family proceeding) to address the other situations in which a child support order is made.
- (4) Form FDO 4 also provides clauses for relief relating to custody, parenting time, contact time or interaction and spousal support, as well as property division.

Variation order

- 4.08** (1) The variation order is entitled variation order and either Form 59.48B or FDO 4 may be used as the standard recital and order provisions.
- (2) The variation order must refer to the order or orders being varied and provide the date of the order or orders being varied in the recitals.
- (3) Additional clauses from the list of alternative clauses provided in this Part, or as otherwise required, may be added to a variation order to address the other situations in which a child support order is made.

Order notes and alternative clauses

- 4.09** The remainder of this Part 4 provides the following:
- (a) General note for orders;
 - (b) Notes on standard clauses for recitals in orders;
 - (c) Notes on standard clauses for order provisions;
 - (d) List of alternative clauses with notes for recitals and order provisions.

General note for orders

Using the name of the party rather than “applicant”, “petitioner” or “respondent” is simpler and less prone to error. Although full names are used in the heading, it is generally recommended that only the first given name and the surname be used in the recitals and provisions of the order, for ease of reading.

Notes on standard clauses for recitals in orders

Titles for clauses are not necessary in the recitals. They are used in this section for ease of reference. The information provided in this section applies to the corresponding recitals used in Forms 59.48B and FDO 4.

Child's name and birthdate

Section 13(a) of the *Guidelines* requires that the order provide the name and birth date of each child to whom the order relates.

Income information

Section 13(b) of the *Guidelines* requires that the order include “the income of any spouse whose income is used to determine the amount of the child support order”.

There are different definitions of income, used for different purposes within the *Guidelines*. The recitals must be clear on what income has been determined and for what purpose, for example:

- The recitals need only mention the payor's annual income for the “table amount only” version of the orders.
- The incomes of both parties are required to determine the sharing proportions for special or extraordinary expenses and both incomes must be stated pursuant to ss. 7 and 13(b) of the *Guidelines* in the “table amount plus special or extraordinary expenses” version.

Effect of spousal support on income

Spousal support paid by one party to another must be deducted from the payor's “table” income and added to the recipient's income, before calculating the respective proportions. [Reference: *Guidelines*, Schedule III, s. 3(2)]

Notes on standard clauses for order provisions

Titles provide easy reference for the order provisions found in the body of an order and they are recommended. The headings provided in this section correspond to the headings used in Forms 59.48B and FDO 4.

Child support payments

The table amount is to be specified or, when another amount is used, one of the alternative clauses provided in this Part 4 is to be used to describe the amount and circumstances. [Reference: *Guidelines*, s. 13(c)]

Specific information concerning “special or extraordinary expenses” must be included in the order. [Reference: *Guidelines*, s. 13(e): “the particulars of any expense described in subsection 7(1), the child to whom the expense relates, and the amount of the expense or, where that amount cannot be determined, the proportion to be paid in relation to the expense”]

The Director of Maintenance Enforcement prefers that an actual amount for special or extraordinary expenses be stated, and not just the proportions, for enforcement purposes.

When child support payments are due

The payment schedule must be stated, including either lump sum or periodic payments and the date or dates when payments are to be made. [Reference: *Guidelines*, ss. 11 and 13(f)]

Child support through health plan

Section 6 of the *Guidelines* provides for insurance coverage to be a term of child support. Any affidavit relating to child support should provide information to the court indicating whether or not such coverage exists or is to be acquired, in order for the court to include this term. [Reference: *Mannett v. Mannett* (1992), 111 N.S.R. (2d) 327 and *Robski v. Robski*, [1997], N.S.J. No. 444]

Ongoing disclosure for child support

If the order is for the table amount only, ss. 21 and 25 of the *Guidelines* require the disclosure of only the payor’s income. Annual production is ordered here instead of requiring a written request from the recipient each year, under section 25 of the *Guidelines*.

Disclosure by the recipient is only required when the order provides for an amount other than the table amount, as in the following cases under the *Guidelines*: special or extraordinary expenses [s. 7], split custody [s. 8], shared custody [s.9], children 19 or over [s. 3(2)(b)], incomes over \$150,000 [s. 4(b)], undue hardship [s. 10], and spousal support when ordered or not ordered by reason of priority to child support. The version of this order provision for the mutual exchange of income tax returns is to be used, because the annual incomes of both parties must be disclosed.

Spousal support

If spousal support is to be paid, the payment schedule must be stated, including either lump sum or periodic payments and the date or dates when payments are to be made.

Director of Maintenance Enforcement

The method of payment preferred by the Director is for the payor to provide postdated cheques for one year. If the preferred method of payment is adopted, the clauses should read:

- 9 All support payments must be made by way of post-dated cheques for a period of one year. The cheques must be made payable to [name of party receiving support]

The post-dated cheques must be sent by [name of party paying support] to the Office of the Director of Maintenance Enforcement, PO Box 803, Halifax, Nova Scotia, B3J 2V2, while the order is filed for enforcement with the Director.

Notes: Under section 9 of the *Maintenance Enforcement Act*, all maintenance orders are filed with the Director of Maintenance Enforcement and enforced by the Director, unless the parties opt out or withdraw the order from enforcement. The court cannot order that the parties “opt out” of the Maintenance Enforcement Program. Parties wishing to opt out must do so in accordance with section 10 of the *Act*, which requires that a written consent signed by both parties must be filed with the Director. Parties may make reference in the terms of the order to an existing written consent signed by them and filed with the Director. In some circumstances, a party may apply to the Director under s. 12 to have the order “withdrawn from enforcement”.

The current designated addresses of both parties, provided under *Rule 59.15*, are to be sent by a court officer with the order to assist with registration in the Maintenance Enforcement Program.

Section 42 of the *Maintenance Enforcement Act* requires parties to maintain current addresses with the Director of Maintenance Enforcement and also advise on any changes in employment. Parties must provide the information regarding a change in address or employment within ten days from the date of the change.

List of alternative clauses with notes for recitals and order provisions

This section provides a list of alternative clauses to assist litigants in the preparation of an order. The purpose is to maximize standardization and uniformity of clauses, as well as compliance with the detailed requirements of the *Guidelines*.

Each new clause has a heading and is immediately followed by either recital notes or order provision notes depending on the type of alternative clause.

Imputation of Income

[name] has failed to provide income information when required by the [order/notice] dated and [his/her] annual income is imputed to be \$ [amount] for the purpose of determining the amount of child support.

Recital Notes: If a party has not provided the necessary income information, this recital clause may be used to give the background for the necessary imputation, made under ss. 19(1)(f), 21 and 22 of the *Guidelines*. The party must have failed to provide income information “when under a legal obligation to do so”, before income can be imputed under section 19(1)(f), and a reference is made to the order or direction that requires the disclosure. Section 21 sets out the information to be disclosed and section 25 sets out the continuing obligation to disclose.

Rounding-Up of Table Amount

[name] must pay child support to [name] pursuant to the [*Federal Child Support Guidelines/provincial Child Support Guidelines*] and in excess of the Nova Scotia table, the amount of \$ [amount] per month payable on the first day of each month, and commencing [date] .

Order Provision Notes: The parties may agree to “round up” the table amount, e.g. from \$478 to \$480 or \$500, or agree to fix child support at an amount higher than the table amount, rather than detail some small amount of special or extraordinary expenses. In either case, this alternative clause in the order provisions identifies that the “basic amount” is in excess of the table amount. The *Guidelines* set a floor for child support purposes and parties are free to agree to a higher amount.

Undue Hardship

3 [name] , resident of Nova Scotia, has an annual income of \$ amount [and his/her spouse [describe relationship of person in household sharing expenses] , [name] , has an annual income of \$ amount] for the purpose of determining the table amount of child [support] and [his/her] household standard of living.

[name] has an annual income of \$ amount [and his/her spouse [describe relationship of person in household sharing expenses] , [name] , has an annual income of \$ amount] for the purpose of determining his/her household standard of living.

Recital Notes: The bolded heading is not required in recitals. For undue hardship, the incomes are set out in the recitals that are used in the calculation of the respective household standards of living, under s. 10(3) of the *Guidelines*. Incomes of all relevant members of the household should be identified, using Schedule II for guidance as necessary.

Undue Hardship

3 [name] ’s household has a higher standard of living than [name] ’s household.

[name] would suffer undue hardship by reason of [set out undue hardship circumstance] if required to pay child support pursuant to the [*Federal Child Support Guidelines/provincial Child Support Guidelines*] and in accordance with the Nova Scotia table in the amount of \$ [amount] per month.

[name] must therefore pay child support to [name] in the amount of \$ [amount] per month, payable on the first day of each month, and commencing [date].

Order Provision Notes: If allowed, undue hardship changes the table amount which would otherwise be ordered. The table amount and the new amount must be stated in the order provisions

as required by s. 13(c) of the *Guidelines*. Any subsequent review or variation is then clear on what would have been ordered and what was actually ordered.

Child 19 or Over

3 [name] has an annual income of \$ [amount] , and [name] has an annual income of \$ [amount] , [and the child [name] has an annual income of \$ amount] for the purpose of determining child support for the child [name] , born [date].

Recital Notes: The bolded heading is not required in recitals. The parties may agree, or a judge may decide, that the “table amount plus special or extraordinary expenses” is “inappropriate” under s. 3(2)(b) of the *Guidelines*. Alternative ways of determining support include using the older method of working out a child’s budget and sharing it proportionately between the parents/guardians. If the child has income, then the budget deficit is what is shared between the parents/guardians.

Child 19 or Over

3 [name] must pay to [name /the child, name ,] pursuant to section 3(2)(b) of the [*Federal Child Support Guidelines*/provincial *Child Support Guidelines*] the amount of \$ [amount] per month for the support of the child [name] , payable on the first day of each month, commencing [date] .

Order Provision Notes: Parties have the option to agree that the child receive the monthly payments directly.

Split Custody

3 [name 1] , resident of Nova Scotia, has an annual income of \$ [amount] and [name 2] , resident of Nova Scotia, has an annual income of \$ [amount] , for the purpose of determining the table amount of child support.

Recital Notes: The bolded heading is not required in recitals. For consistency in the order provisions, the party who will be paying child support is “name 1” and the other party is “name 2”. The party paying support is often the party with the higher income. However, if one party has fewer children than the other, that party may be the one to pay support.

Split Custody

3 [name 1] would otherwise pay to [name 2] for the support of the [child/children name/names] the table amount of \$ [amount] , and [name 2] would otherwise pay to [name 1] for the support of the [child/children name/names] the table amount of \$ [amount] .

[name 1] must therefore pay child support to [name 2] in the amount of \$ [amount] per month, payable on the first day of each month, and commencing [date] .

Order Provision Notes: Section 8 of the *Guidelines* provides for the net difference to be paid in split custody situations. It may be necessary in some circumstances to include not just table amounts, but also special or extraordinary expenses in the calculation of the net difference, which should then be reflected in alternative clauses.

Shared Custody

NOTES: A standard clause for child support in a shared custody situation under Section 9 of the *Guidelines* has not been included as there are a wide variety of possible shared custody arrangements in practice. It may be possible to modify some of the alternative clauses to fit the particular shared custody situation.

Waiver of Financial Disclosure

6 By agreement of the parties, [name] and [name] are not required to file financial statements in this proceeding.

Order Provision Notes: This clause may be used if there are no children of the marriage and both parties agree to waive the filing of the financial statements. This would include cases in which the parties are not seeking relief regarding spousal support or matrimonial property, or the parties have reached an agreement regarding spousal support and matrimonial property and they have also agreed to waive the filing of the financial statements. This clause cannot be used where there are any dependent children, even if child support has been agreed upon, due to the requirements under s. 21 of the *Guidelines*.

Reduced Spousal Support

7 No spousal support shall be paid by [name] to [name] as a result of giving priority to child support.

OR

7 [name] shall pay spousal support to [name] in the amount of \$ [amount] per month, payable on the first day of each month, and commencing [date], which amount is less than it otherwise would have been as a result of giving priority to child support.

Order Provision Notes: Section 15.3(1) of the Divorce Act requires that the court give priority to child support over spousal support. Where that priority eliminates, or reduces the amount of, spousal support, the order should so note, consistent with the duty to record reasons in s. 15.3(3).

Part 5 – Guardian *ad litem*

When is the appointment of a guardian *ad litem* considered for a child in a child protection proceeding?

- 5.01** Where a child, who is the subject of a proceeding pursuant to the *Children and Family Services Act*, is twelve years of age or older at the time a proceeding is started, or turns twelve during the proceeding, they must be provided notice of the proceeding. When notice is given, the child is asked whether they wish to have a voice before the Court regarding their views and preferences.
- 5.02** Where the child expresses a desire to have such a voice, the Court may add the child as a party to the proceeding. If the child is under sixteen¹⁶ years of age, the child must be represented through a guardian *ad litem*.
- Alternatively, even if the child does not express a desire to have a voice before the Court, the Court may on its own motion or the motion of any party, add the child as a party and appoint a guardian *ad litem* to represent the child at any time during the proceeding.
- 5.03** A guardian *ad litem* who is appointed for a child will continue to have authority when the child reaches sixteen. At the next scheduled Court appearance that follows the child's sixteenth birthday, the Court will determine if the appointment will continue.
- 5.04** A child who is sixteen years or older is a party to the proceeding, unless the Court orders otherwise. If the child is a party and the child requests, the child is entitled to counsel.
- 5.05** A guardian *ad litem* must be represented by counsel for the proceeding.

What is the role of the guardian *ad litem*?

- 5.06** A guardian *ad litem* is appointed by the Court to communicate a child's views and preferences, and to offer recommendations. In some cases, the Court will determine if a guardian *ad litem* may act for more than one child who is the subject of the child protection proceeding.

(1) What are the duties of a guardian *ad litem*?

Upon appointment, a guardian *ad litem* for a child can make any decision a party to the proceeding could make.

The child is named as a party by their guardian *ad litem*. The guardian *ad litem* will receive all documents, such as Applications, Affidavits, and Reports filed by any party with the Court. In addition, materials exchanged between the parties will be provided to

the guardian *ad litem*, including all relevant records of the child protection Agency. The guardian *ad litem* may take all steps necessary to advocate for the child, including requesting specific relief on behalf of the child.

The guardian *ad litem* is independent. The guardian *ad litem* is not hired by the Department of Opportunities and Social Development or any other party to the proceeding and is not subject to the direction of the Minister of Opportunities and Social Development or any other party to the proceeding.

As the representative of the child before the Court, the guardian *ad litem* is entitled to speak with anyone who is involved with the child, including the child protection social workers, parents, service providers, the child's caregivers from the group home or foster home, and the child's school administrators and teachers. However, no person is compelled to provide the guardian *ad litem* with information.

(2) Initial discussion with the child:

As each child is unique, each discussion with a child by a guardian *ad litem* will be guided by the particular child's needs, level of maturity and stage of development. In most cases, the initial discussion will address the following areas.

The guardian *ad litem* will explain, in age-appropriate language:

- (a) the reason for the child protection proceeding;
- (b) the roles of the Court, parents and their lawyers, and the guardian *ad litem* and their lawyer;
- (c) that the child's safety and well-being will guide the Court's decisions;
- (d) that the Court will consider the child's views and preferences; and
- (e) that the Court will make decisions that are in the child's best interest.

The guardian *ad litem* should clearly communicate to the child that they have no personal interest in the child protection proceeding.

The guardian *ad litem* should inform the child when and how the child's voice will be expressed to the Court and the other parties. The guardian *ad litem* should explain the guardian *ad litem*'s role to the child, which is twofold:

- (i) to bring forward the child's views and preferences; and
- (ii) to offer the guardian *ad litem*'s recommendations.

The child's views and preferences, and the guardian *ad litem*'s recommendations are to be provided to the Court in a written report. The form of the report is established by the Court as Form 60A.06B.

The guardian *ad litem* should explain to the child that they are under a duty to report information they learn from the child that gives them reasonable grounds to suspect that the child, or another child, has suffered, is suffering or may be about to suffer abuse. The guardian *ad litem* should also explain what may happen when such a report is made.

(3) Information sharing

The guardian *ad litem* should use discretion in deciding what information will be disclosed to the child about the child protection proceeding as some information may negatively impact the child, such as information about issues the adults involved in the proceeding are addressing.

Where not known to all of the parties, the guardian *ad litem* should not identify the foster family of the child, the names of other children who may live in the foster or group home, and the address or other identifying information regarding the child's placement.

In each report to the Court, the guardian *ad litem* should clearly identify what information and/or materials they shared with the child.

If information received from the child does not bear directly on the issues before the Court, the guardian *ad litem* should be mindful, and where possible respectful, of any concerns the child may express about sharing this information with the other parties, the Court, or both.

(4) How does the guardian *ad litem* present evidence to the Court?

During the child protection proceeding the guardian *ad litem* must file reports with the Court, with copies to all parties:

- (i) one week prior to the prehearing conference for the protection hearing.
- (ii) one week prior to the prehearing conference for the disposition hearing.
- (iii) one week prior to a review hearing.
- (iv) as directed by a judge.

The form of the report of the guardian *ad litem* may be in Form 60A.06B.

The guardian *ad litem* can be required to testify at a contested hearing.

(5) Advocacy

The guardian *ad litem* shall inform themselves about the child's legal rights, including the child's substantive and procedural rights, and then advocate on their behalf. In addition, a guardian *ad litem* working with a Mi'kmaq or Aboriginal child shall inform themselves of any relevant, unique rights, protections and customs that may apply.

Where it is in the child's best interests to do so, the guardian *ad litem* shall inform the child of the options available, discuss these options with the child and then advocate on the child's behalf.

The guardian *ad litem* should participate in discussions and meetings outside of Court to discuss the child's views and preferences and the guardian *ad litem*'s recommendations, where doing so is in the child's best interests.

The guardian *ad litem* shall inform themselves of the child's wishes which may include:

- (a) contact with family, siblings and/or peer groups;
- (b) relationships with non-parties;
- (c) attending the same school; or
- (d) preservation of cultural identity, customs and practices;

and then advocate on the child's behalf to have these wishes addressed where doing so is in the child's best interests.

The guardian *ad litem* should have ongoing discussions about services, including culturally appropriate community-based services, that may be available to the child such as:

- (a) counselling;
- (b) assessments;
- (c) services to meet the educational, medical and/or health needs of the child;
- (d) access with family (including siblings or extended family or community members); and
- (e) placement;

and advocate in this regard on behalf of the child, where doing so is in the child's best interests.

In carrying out their role, the guardian *ad litem* must understand and work respectfully within the child's culture.

There may be times when a child is unwilling or unable to express their views and preferences due to limitations in cognitive functioning, illness, or otherwise. If so, the guardian *ad litem* should identify the child's limitations in their report.

The guardian *ad litem* who is also a professional must be mindful that the role as guardian *ad litem* is separate from their professional capacity. For example, the role of a guardian *ad litem* is not therapeutic and there is no authority to conduct an assessment based on the guardian *ad litem*'s professional capacity.

After each Court appearance, the guardian *ad litem* should report back to the child on the outcome of the guardian *ad litem*'s advocacy initiatives, if any.

(6) How often should the guardian *ad litem* meet with the child?

The guardian *ad litem* should meet often enough with the child to permit a meaningful fulfillment of their role which may require more meetings than one prior to each Court

appearance. The guardian *ad litem* shall have contact with the child frequently enough to reliably represent the child's circumstances.

How is the guardian *ad litem* appointed?

5.07 Who may act as a guardian *ad litem*?

Any person who is not in a conflict of interest with one of the parties or the child may offer to act as a guardian *ad litem*. Given the trust relationship necessary, it is expected that those who offer to act as a guardian *ad litem* will have relevant experience, preferably involving children.

5.08 The guardian *ad litem* roster

A roster of individuals who express an interest in acting as a guardian *ad litem* will be maintained in accordance with this Practice Memorandum. The roster will be known as the "Guardian *Ad litem* Roster".

The Guardian *Ad litem* Roster is available on www.nsfamilylaw.ca and will only include approved candidates.

A person interested in having their name listed on the "Guardian *Ad litem* Roster" must provide the following documents:

- (a) A completed application on-line form which confirms their interest in acting as a guardian *ad litem*, and indicates:
 - (i) the geographical area(s) of Nova Scotia in which they are prepared to work;
 - (ii) any professional qualifications held;
 - (iii) any relevant information demonstrating their membership in a diverse group;
 - (iv) whether they self-identify as Mi'kmaq or from another Aboriginal Nation and their connection to that community, if they wish to self-identify;
 - (v) their proficiency in any languages (spoken and/or written);
 - (vi) confirmation they reviewed this Practice Memorandum;
 - (vii) consent for the disclosure of their name, and the geographic area(s) where they are prepared to work; and
 - (viii) Consent for the disclosure of their *Curriculum Vitae* to the Court, lawyers, child protection social workers, and, with the direction of the Court, self-represented parties.
- (b) A copy of their *Curriculum Vitae*;
- (c) Three references who can speak to their suitability to act as a guardian *ad litem*;
- (d) A recent Child Abuse Registry check;
- (e) A recent Criminal Record check, with a Vulnerable Sectors check;

(f) Where they intend to drive the child:

- (i) a recent Driver's Abstract;
- (ii) proof of automobile insurance.

5.09 How is a guardian *ad litem* selected for consideration by the Court?

Any party to the proceeding may propose a person to act as a guardian *ad litem*. While preferred, it is not mandatory for the person to be on the Court's "Guardian *Ad litem* Roster".

When reflecting upon who should be proposed to act as a guardian *ad litem*, consideration may be given to the following:

- (i) a request for a specific person;
- (ii) a request for a member of a diverse group;
- (iii) a request for a person who shares or has an understanding with the child's culture or community of origin; and/or
- (iv) a request for a person who speaks a given language.

Where a Mi'kmaq child is involved, priority for appointment of the guardian *ad litem* should be given in the following order:

- (i) a Mi'kmaq guardian *ad litem*, if available.
- (ii) if a Mi'kmaq guardian *ad litem* is not available, an Aboriginal guardian *ad litem*.
- (iii) if an Aboriginal guardian *ad litem* is unavailable, another person.

In all cases, the guardian *ad litem* should demonstrate a competence and understanding of the importance of a Mi'kmaq child's connection with the child's First Nation, heritage, spirituality, customs and traditions.

5.10 What documents are required for appointment?

It is the role of the Court to appoint the guardian *ad litem* for the child. Rule 60A.06 requires a person seeking to be appointed as a guardian *ad litem* to file a statement.

All documents filed on behalf of the guardian *ad litem* become part of the Court's file for the proceeding and must be disclosed to all of the parties. The Court will consider whether the appointment is in the child's best interest and decide whether to appoint the proposed person to act as a guardian *ad litem* for the child.

5.11 What is the duration of the appointment of the guardian *ad litem*?

The appointment is for the duration of the child protection proceeding, and is limited to the issues before the Court as they relate to the proceeding. During the appointment, the guardian *ad litem* has no authority to act on behalf of the child in any other Court proceeding, or otherwise.

The appointment may be terminated upon motion to the Court by any party, including the child or the guardian *ad litem*, at any time. The Court may also remove the guardian *ad litem* on its own motion.

5.12 What happens when the child turns sixteen years old during a child protection proceeding?

The guardian *ad litem* will continue to act for the child unless removed by the Court. If a child turns 16 during an ongoing proceeding, they should be advised that they may ask the Court to remove the guardian *ad litem* and allow them to be heard directly. If the Court removes the guardian *ad litem*, the child can retain their own lawyer.

5.13 Who pays the fees and disbursements of the guardian *ad litem* and their counsel?

The Minister of Opportunities and Social Development is required to pay the reasonable fees and disbursements for the guardian *ad litem*, counsel for the guardian *ad litem*, or counsel for the child who is sixteen years or older. The fees and disbursements will be paid in accordance with Regulation 41 made under *Children and Family Services Act*.

Form FD1

20

No.

Supreme Court of Nova Scotia
(Family Division)

Between: [copy standard heading]

[name]

Applicant/Petitioner

and

[name]

Respondent

Statement of Contact Information and Circumstances

of [name] prepared on [date]

[Please complete all sections regarding your case. Please print in ink. You may discuss the shaded sections for contact information and service directions with a court officer before completing these sections.]

Section A	Information about you. (APPLICANT)	Information about the person against whom you are making this application. (RESPONDENT)
Name	Last Name: First Name: Middle Name: Previous Names: Other Names, Alias, etc.:	Last Name: First Name: Middle Name: Previous Names: Other Names, Alias, etc.:
Prefix	☐ Mr. ☐ Ms. ☐ Other:	☐ Mr. ☐ Ms. ☐ Other:
Gender	☐ Male ☐ Female ☐ Other	☐ Male ☐ Female ☐ Other
Birth Date	Day ____ Month ____ Year ____	Day ____ Month ____ Year ____

Telephone Email Fax	Home Business Message Other Email..... Fax	Home Business Message Other Email..... Fax
Address	P.O. Box Apt. No. Street..... City/Town..... Province Postal Code Special Directions to Accommodate Service of Documents:.....	P.O. Box Apt. No. Street..... City/Town..... Province Postal Code Special Directions to Accommodate Service of Documents:.....
Legal Counsel	☐ Yes ☐ No ☐ Maybe If yes: Lawyer's Name: Firm Name: Address: Phone: Email: Fax:	☐ Yes ☐ No ☐ Maybe If yes: Lawyer's Name: Firm Name: Address: Phone: Email: Fax:
Current Marital Status	☐ Married ☐ Divorced ☐ Separated ☐ Spousal or Common law relationship ☐ Single	☐ Married ☐ Divorced ☐ Separated ☐ Spousal or Common law relationship ☐ Single

Income	☐ Employment Income (salary/wages) ☐ Commission/Bonuses/Overtime ☐ Self-employed ☐ Income from a Partnership/Corporation ☐ Employment Insurance ☐ Social Assistance/Family Benefits ☐ Worker's Compensation ☐ Pension Income ☐ Income from a Trust ☐ Other Explain:	☐ Employment Income (salary/wages) ☐ Commission/Bonuses/Overtime ☐ Self-employed ☐ Income from a Partnership/Corporation ☐ Employment Insurance ☐ Social Assistance/Family Benefits ☐ Worker's Compensation ☐ Pension Income ☐ Income from a Trust ☐ Other Explain:
Occupation	Occupation Employer Information Name: Address: Phone Number: Email: Fax: ☐ Other Places of Employment	Occupation Employer Information Name: Address: Phone Number: Email: Fax: ☐ Other Places of Employment

Section B	Relationship Between Applicant and Respondent
☐ Married Date of Marriage: Date of Separation:.....	
☐ Spousal or Common Law Date spousal or common law relationship began: Date of Separation:.....	
☐ Divorced Date of Divorce Order:	
☐ Single ☐ Parent of Applicant's Child ☐ Other Explain:	

Section C		List below the full names and dates of birth of all children who are the subject of this Application.		
Last Name	Given Names (underline name used)	Date of Birth	Gender (M/F/ Other)	Presently Living With:

Section D	Most Recent Court Order or Written Agreement
<p>Most Recent Court Order (if any):</p> <p>Date Issued:</p> <p>Court:</p> <p>File Number:</p> <p>Most Recent Written Agreement (if any):</p> <p>Date:</p> <p>Other Court Proceedings (if any):</p> <p>Type:</p> <p>Court:</p> <p>File number:</p>	

Section E	Accessibility requests
<p>Do you have any language, communication, or health needs that require accommodation?</p> <p>Yes ☐ No ☐</p> <p>If yes, please explain: _____</p> <p>_____</p> <p>_____</p>	

Signature

Signed on [date] , 20

Signature

Print name:

Form FD2A

20

No.

Supreme Court of Nova Scotia
(Family Division)

Between: [copy standard heading]

[name]

Applicant/Petitioner

and

[name]

Respondent

Parenting Statement

Please check the box that applies to you:

☐ I am the applicant (the person making the application/petition)

[or]

☐ I am the respondent (the person responding to an application/petition)

This matter relates to the following child or children:

<u>Full name (Including Middle Name)</u>	<u>Age</u>	<u>Birthdate (M/D/Y)</u>
--	------------	--------------------------

The child or children receive child care or attend pre-school or school as follows:

<u>Child's Name</u>	<u>Days</u>	<u>Hours</u>	<u>Location</u>
---------------------	-------------	--------------	-----------------

The following child or children have special needs or disabilities that may affect decision-making/custody, parenting time or parenting arrangements:

<u>Child's Name</u>	<u>Special Needs or Disabilities</u>	<u>Details</u>
---------------------	--------------------------------------	----------------

PRESENT PARENTING ARRANGEMENTS

1. The present parenting arrangements for each child:

a) Where does each child live now?

b) What is the schedule of parenting time for each child now?

PROPOSED PARENTING ARRANGEMENT

2. The proposed parenting arrangements for each child:

a) Where do you want each child to live?

b) What schedule of parenting time do you want for each child?

(i) Reasonable parenting time (flexible parenting schedule that you both agree to):

[or]

(ii) Specified parenting time (give specific details including dates and times). Attach a schedule if necessary:

a. Regular parenting time (i.e. throughout school year)

☐ weekend time (specify)

☐ weekday time (specify)

b. Holiday/Special Occasion parenting time (specific days and times)

☐ March Break

☐ Summer Holiday

☐ Christmas/Hannukah/Kwanza

☐ Easter

☐ Other

[or]

(iii) Supervised parenting time (visiting that takes place with another adult present), if so, give specific details (who would supervise/where and when):

3. Do you or the other parent work outside the home, if so, what are the days and hours of work?

I declare that the above information is accurate to the best of my knowledge.

Signature

Signed on [date] , 20

Signature

Print name:

Form FD2B

20

No.

Supreme Court of Nova Scotia
(Family Division)

Between: [copy standard heading]

[name]

Applicant/Petitioner

and

[name]

Respondent

Statement of Contact Time and Interaction

Completed by: [first and last name of person] on [day/month/year]

You are advised to seek legal advice if you need help in completing this form.

[The term “child/children” in this document means the child or any of the children who are the subject of the court application.]

[If you do not have enough room to give information in any section, please attach extra page(s) and mark with the section number.]

Section 1: RELATIONSHIP TO CHILD

Please describe your relationship to each child:

<i>Child's Last Name</i>	<i>Child's First and Middle Names</i>	<i>Date of Birth (d/m/y)</i>	<i>Relationship (e.g. grandparent, sibling of parent, family friend, etc.)</i>

Section 2: RELATIONSHIP BETWEEN PARTIES

Relationship between the parties:

- ☐ I am a parent of _____
[name of *parent/guardian of child/children*]
- ☐ I am a relative of _____
[name of *parent/guardian of child/children*]
- ☐ Other [describe relationship]: _____

Section 3: CURRENT CONTACT TIME/INTERACTION AVAILABILITY

- ☐ I work from home
- ☐ I am retired and not working
- ☐ I work regular days and hours from [day] _____ to [day] _____ and
[hour] from _____ to [hour] _____
- ☐ I work shift work and my regular pattern of days and hours is as follows [describe]:

- ☐ I work part time irregular days and hours as follows [describe]: _____

- ☐ I am not working because:
- ☐ I am unemployed.
- ☐ I am on maternity or parental leave.
- ☐ I am disabled.
- ☐ I am financially supported by [describe person or circumstances]: _____

- ☐ Other [describe circumstances]: _____

Section 4: REASONS FOR REQUESTING AN ORDER

- ☐ I have asked for contact or interaction with the [child/children] and all of my requests were refused
- ☐ I have not had any contact or interaction with the [child/children] since [date]
- _____
- ☐ Other [describe circumstances]: _____
- _____
- _____

Section 5: CONTACT TIME PROPOSAL

I propose the following regular schedule for contact time with the [child/children] :

- ☐ a weekend visit once every _____ [describe time period: week/month/number of weeks/months] beginning _____ [day] at [a.m./p.m.] until _____ [day] at _____ [a.m./p.m.] .
- ☐ a weekday visit once every _____ [describe time period: week/month/number of weeks/months] beginning _____ [day] at [a.m./p.m.] until _____ [day] at _____ [a.m./p.m.] .
- ☐ at times and places I have agreed upon, or the court orders, with supervision of my contact time by _____ [name] .
- ☐ at times determined with and supervised through a Supervised Access and Exchange (SAE) program (may not be available in all areas).
- ☐ other [describe when the child/children will be in your care] :
- _____
- _____
- _____

I propose the following contact time with the [child/children] during holidays:

- ☐ no additional time beyond the regular schedule for contact time.
- ☐ additional contact time [describe each holiday and time request in detail] :
- _____
- _____
- _____

Section 6: TRANSPORTATION BETWEEN HOMES

- ☐ I will pick up the [child/children] from the home of the [parent/guardian] _____ [name] and return the [child/children] to the [parent's/guardian's] home.
- ☐ I will go to the home of the parent/guardian _____ [name] to pick up the [child/children] and the [parent/guardian] will pick up the [child/children] from my home.
- ☐ I will meet the [parent/guardian] _____ [name] at _____ [name the location] to pick up and drop off the [child/children] .
- ☐ I will pick up and return the [child/children] to and from the child care provider or school.
- ☐ Other [describe] :

Section 7: INTERACTION PROPOSAL

I propose the following interaction with the [child/children] :

- ☐ attend the following activities [describe, for example: school events, extracurricular activities, religious, and cultural events] :
- _____
- _____
- _____
- ☐ send cards or gifts [describe when, for example: birthday, holidays, special events] :
- _____
- ☐ receive cards or gifts [describe when, for example: birthday, holidays, special events] :
- _____
- ☐ communicate with each child in writing by [describe, for example: letters, emails, texts] :
- _____

with the following frequency [describe frequency: number of times per week or month] :

- ☐ communicate with each child verbally by [describe, for example: telephone, internet conferencing] :

with the following frequency [describe frequency: number of times per week or month] :

- ☐ receive photographs of each child from a person named in the order
- ☐ receive information regarding the health, education and well-being of each child from a person named in the order
- ☐ other [describe] :

I declare that the above information is accurate to the best of my knowledge.

Signature

Signed on [date] , 20

Signature

Print name:

Form FD3

20

No.

Supreme Court of Nova Scotia
(Family Division)

Between: [copy standard heading]

[name]

Applicant/Petitioner

and

[name]

Respondent

Statement of Income of [name] prepared on [date]

I make [oath/affirm] and give evidence as follows:

- 1 The following chart converts my gross income as stated on my filed or attached _____ to a monthly figure.

[If you have two income sources, use one chart for each source.]

First Income Source: _____ (Name of Source)

GROSS INCOME - MONTHLY CONVERSION CHART		
MY PAY PERIOD	CONVERSION FORMULA	MONTHLY INCOME
Weekly	\$_____ x 4.33	\$_____
Every second week	\$_____ x 2.17	\$_____
Twice per month	\$_____ x 2	\$_____
Monthly		\$_____

Second Income Source: _____ (Name of Source)

GROSS INCOME - MONTHLY CONVERSION CHART		
MY PAY PERIOD	CONVERSION FORMULA	MONTHLY INCOME
Weekly	\$_____ x 4.33	\$_____
Every second week	\$_____ x 2.17	\$_____
Twice per month	\$_____ x 2	\$_____
Monthly		\$_____

2 The following is a statement of my current **monthly** income from all sources:

GROSS MONTHLY INCOME (from the Monthly Conversion Chart)	AMOUNT	COMMENTS
A) Gross Salary or Wages or Net Professional Income		
B) Overtime/Commissions/Bonuses		
C) Employment Insurance Benefits		
D) Social Assistance/Family Benefits		
E) Pension Income		
F) Actual Dividends Received Before Gross-up		
G) Income from Trust		
H) Investment Income		
I) Other -		
J) Other -		
K) Other -		
L) SUB TOTAL		
M) Deduct Union Dues		
N) Deduct Other Schedule III Adjustments		
O) TOTAL MONTHLY INCOME (FOR TABLE AMOUNT CHILD SUPPORT)		
P) Child Tax Benefit		
Q) HST Credit		
R) TOTAL MONTHLY INCOME		

Total Monthly Income for table amount: (Line O, above) _____ X 12

Total Annual Income for table amount: _____

- 3 Attached are true copies of my personal income tax returns filed with Canada Revenue Agency for the three most recent taxation years.
- 4 Attached are true copies of Notices of Assessment (or Re-Assessment) issued by Canada Revenue Agency for each of the three most recent taxation years.
- 5 ***THE FOLLOWING ITEMS MARKED WITH AN X APPLY TO ME:***

☐ ***I AM AN EMPLOYEE:***

Attached is a true copy of my two most consecutive recent statements of earnings or pay stubs indicating my total earnings paid in the year to date, including overtime [or alternatively, a letter from my employer setting out my annual salary or remuneration, my earnings to date for this year, including overtime] .

☐ ***I AM UNEMPLOYED:***

Attached is a statement of my income to date this year from [include particulars of all income received by way of employment insurance benefits, social assistance, pension income, Workers Compensation, disability or such other benefits or income as may apply. If a statement of income is not available, provide a letter from the applicable source of income stating the required information] .

☐ ***I AM SELF-EMPLOYED:***

I am self-employed and attached are:

- (i) true copies of the financial statements of my business [or professional practice other than partnership] for the three most recent taxation years; and
- (ii) a statement showing a breakdown of all salaries, wages, management fees or other payments or benefits paid to, or on behalf of, persons or corporations with whom I do not deal at arms' length.

☐ ***I AM A MEMBER OF A PARTNERSHIP:***

I am a partner in the partnership known as _____ [name of partnership] and attached hereto is confirmation of my current income and draw from that partnership and my capital in the partnership for the three most recent taxation years.

☐ ***I CONTROL A CORPORATION:***

(i) Attached are true copies of the financial statements for the corporation _____ [name of corporation] , in which I have a controlling interest, for the three most recent taxation years. [Where a party controls a corporation, the financial statements for the three most recent taxation years for that corporation must be provided as well as the financial statements for that company's subsidiaries.]

(ii) Attached is a statement showing a breakdown of all salaries, wages, management fees and other payments or benefits paid to, or on behalf of, persons or corporations with whom the corporation, and every related corporation does not deal at arm's length.

☐ ***I AM A BENEFICIARY UNDER A TRUST:***

Attached is a true copy of the trust settlement agreement of which I am a beneficiary as well as true copies of the three most recent financial statements of the trust.

☐ ***I AM AN ADMINISTRATOR OR A TRUSTEE OF A TRUST***

[Sworn to/Affirmed] before me)
on [date] , 20)
at [City/Town] , Nova Scotia)
)
)
)

Signature of Authority

Print name:
Official capacity:

Signature of

Form FD4

20

No.

Supreme Court of Nova Scotia
(Family Division)

Between: [copy standard heading]

[name]

Applicant/Petitioner

and

[name]

Respondent

**Statement of Special or Extraordinary Expenses
of [name] prepared on [date]**

I make [oath/affirm] and give evidence as follows:

- 1 I am claiming an amount to cover special or extraordinary expenses for one or more of the following reasons [indicate which of the following you are claiming] :
 - ☐ a) child care expenses incurred as a result of my employment, illness, disability or education or training for employment;
 - ☐ b) that portion of the medical and dental insurance premiums attributable to the child;
 - ☐ c) health-related expenses that exceed insurance reimbursement by at least \$100 annually, including orthodontic treatment, professional counselling provided by a psychologist, social worker, psychiatrist or any other person, physiotherapy, occupational therapy, speech therapy and prescription drugs, hearing aids, glasses and contact lenses;
 - ☐ d) extraordinary expenses for primary or secondary school education or for any educational programs that meet the child's particular needs;
 - ☐ e) expenses for post-secondary education; or
 - ☐ f) extraordinary expenses for extracurricular activities.
- 2 The child's name that each expense relates to, the details of each type of expense I am claiming, and the total amount of each expense per month is:

<u>Child's Name</u>	<u>Details of Each Expense</u>	<u>Total Amount of Expense</u>
1. _____	_____	\$_____ per month
2. _____	_____	\$_____ per month
3. _____	_____	\$_____ per month
4. _____	_____	\$_____ per month
5. _____	_____	\$_____ per month

3 I attach receipts or other documentation which show the amount of the expenses I am claiming for each child.

4 I am unable to obtain receipts or other documentation, for the following reasons: [provide details] _____

 _____.

5 I am eligible to claim or I receive the following subsidies, benefits or income tax deductions or credits relating to the above expenses: [provide details] _____

 _____.

[Sworn to/Affirmed] before me)
 on [date] , 20)
 at [City/Town] , Nova Scotia)
)
)
)

 Signature of Authority
 Print name:
 Official capacity:

 Signature of

Form FD5

20

No.

Supreme Court of Nova Scotia
(Family Division)

Between: [copy standard heading]

[name]

Applicant/Petitioner

and

[name]

Respondent

**Statement of Undue Hardship Circumstances
of [name] prepared on [date]**

I make [oath/affirm] and give evidence as follows:

1 I am claiming undue hardship on the basis of one or more of the following circumstances
[indicate which of the following you are claiming] :

- ☐ a) I am responsible for an unusually high level of debts, which I have reasonably incurred to support myself, the other party and our child or children prior to our separation;
- ☐ b) I am responsible for an unusually high level of debts, which I have reasonably incurred to earn a living;
- ☐ c) I have unusually high expenses in relation to exercising parenting time with my child;
- ☐ d) I have a legal duty under a judgment, order or written separation agreement to support any person [other than the child(ren) to whom this proceeding relates] ;
- ☐ e) I have a legal duty to support a dependent child in my household [other than the child(ren) to whom this proceeding relates] ;

- ☐ f) I have a legal duty to support an adult person who is unable, by reason of illness, disability or other cause, to obtain the necessities of life; or
- ☐ g) I have some other undue hardship circumstance [be as specific as possible] :

- 2 Residing with me as part of my household are the following individuals [in the case of the adults, also include their gross annual incomes for the past year] :

(a) Spouse or Partner:

Name _____ Gross annual income: _____

(b) Any person [including a child the age of majority or over] who shares living expenses with me or from whom I otherwise receive an economic benefit as a result of living together:

Name _____ Gross annual income: _____

Name _____ Gross annual income: _____

(c) Any child or children who reside(s) with me:

Child's Full Name _____ Date of Birth: _____

Child's Full Name _____ Date of Birth: _____

- 3 Attached are true copies of the Notice of Assessment and Income Tax Return for the preceding year, 20 , for each of the individuals listed in paragraph 2 above.

- 4 Attached are true copies of the last two consecutive income statements [for example, pay stubs, Employment Insurance stubs, income assistance stub] or, instead, a letter from the employer [or income provider] confirming gross income year-to-date for the current year, 20 , for each of the individuals listed in paragraph 2 above.

- 5 I would suffer undue hardship in paying the required amount of child support because:

- 6 I request that the court deduct the following **annual** amount(s) which I am relying upon as a factor that has caused my undue hardship; [**Note: Do not list** any amount attributable to the support of any member (including any child) of the household that is not incurred due to a disability or serious illness of that member and **do not list** any amount listed in paragraph 7] :

Factor: _____ Annual Amount: _____

Factor: _____ Annual Amount: _____

- 7 (a) I request that the court deduct the following **annual** amount(s) which I pay as support pursuant to a judgment, order or written separation agreement [**Note: Do not list** any amount already listed in paragraph 6]:

Annual Amount: _____ Date of Judgment, Order or Agreement: _____

Annual Amount: _____ Date of Judgment, Order or Agreement: _____

(b) Attached is a **certified copy** of each of the judgments, orders or written separation agreements listed in paragraph 7(a) above.

- 8 (a) I receive the following **annual** amount of child support for any child under a judgment, order or written separation agreement:

Annual Amount: _____ Date of Judgment, Order or Agreement: _____

Annual Amount: _____ Date of Judgment, Order or Agreement: _____

(b) Attached is a **certified copy** of each of the judgments, orders or written separation agreements listed in paragraph 8(a) above.

- 9 I understand that my claim of undue hardship must be denied by the court if my household standard of living is higher than the household standard of living of the other party, and my calculations of the comparison of household standards of living in accordance with Schedule II of the Guidelines:

☐ are attached.

[or]

☐ will be filed in accordance with the rules of the court upon receipt of the other party's financial information.

[*Sworn to/Affirmed*] before me)
on [date] , 20)
at [City/Town] , Nova Scotia)
)
)
_____)

Signature of Authority

Print name:

Official capacity:

Signature of

Form FD6

20

No.

Supreme Court of Nova Scotia
(Family Division)

Between: [copy standard heading]

[name]

Applicant/Petitioner

and

[name]

Respondent

**Statement of Expenses
of [name] prepared on [date]**

I make [oath/affirm] and give evidence as follows:

- 1 The following are my current budgeted monthly expenses: [If you reside with another person with whom you share living expenses, **list only your expenses**, not the expenses paid by the person with whom you reside.]

NOTE: ALL ITEMS ARE TO BE CONVERTED TO A MONTHLY AMOUNT

EXPENSES	MONTHLY BUDGETED EXPENSES	COMMENTS
1. Rent/Mortgage		
2. Municipal Taxes		
3. Property - Fire Insurance		
4. Heat		
5. Electricity		
6. Water		
7. Telephone, Postage		
8. Cable		
9. House Repairs, Maintenance, Appliance & Furniture Repairs and Replacement		
10. Food		
11. Toiletries, Household Supplies		

EXPENSES	MONTHLY BUDGETED EXPENSES	COMMENTS
12. Clothing		
13. Laundry and Dry-Cleaning		
14. Motor Vehicle:		
(a) Payment		
(b) Gas		
(c) Maintenance/Repair		
(d) Insurance, License, Registration & Inspection		
(e) Parking & Tolls		
15. Taxis, Public Transportation		
16. Section 7 Child Related Expenses:		
(a) Child Care Expense (day-care or baby-sitting)		
(b) Children's Medical or Dental Insurance Premiums		
(c) Health Related Expenses		
(d) Primary or Secondary School Expense		
(e) Post Secondary School Expense		
(f) Extracurricular Activities		
17. School Supplies, Tuition, Books		
18. Children's Allowances and Activities		
19. Costs related to having time or interaction with a child or children (for example, travel costs)		
20. Hair and Grooming		
21. Life Insurance/Medical Insurance		
22. Drugs		
23. Dental		
24. Glasses		
25. Christmas, Birthdays, Events & Gifts		
26. Newspapers and Magazines		
27. Charitable Donations		
28. Holidays		
29. Entertainment		

EXPENSES	MONTHLY BUDGETED EXPENSES	COMMENTS
30. Savings		
31. Child Support (paid for a child other than the child(ren) to whom this proceeding relates)		
32. Spousal Support (for a spouse other than a party to the proceeding)		
33. Miscellaneous		
34. Other -		
35. Other -		
SUB-TOTAL (add lines 1 to 35)		
Debt Payments:		
36.		
37.		
38.		
SUB-TOTAL (lines 1 to 35 + lines 36 to 38)		
39. Income Source Deductions, excluding Income Tax		
(1) CPP		
(2) EI		
Pension		
Union Dues		
Medical Plan		
Other -		
TOTAL EXPENSES (Sub-total from above, + line 39 total)		
SUMMARY		
Total Income Before Tax (from Statement of Income)		
Less: Total Expenses (from above)		
Surplus (Deficit) Before Tax		
Less: Income Tax (Attach Calculations)		

EXPENSES	MONTHLY BUDGETED EXPENSES	COMMENTS
SURPLUS (DEFICIT)		

[To be completed if either party is making a claim for undue hardship pursuant to Section 10 of the Child Support Guidelines **or** for spousal support.]

- 2 The following are the names, occupations or sources of income of all persons with whom I currently reside or with whom I share living expenses or from whom I receive an economic benefit as a result of living with that person.

[If you are making a claim for undue hardship, you must provide the following information. If you do not provide the following information your application for undue hardship may not be considered.]

NAME	OCCUPATION OR SOURCE OF INCOME

[Sworn to/Affirmed] before me)
on [date] , 20)
at [City/Town] , Nova Scotia)
))
))

Signature of Authority

Print name:

Official capacity:

Signature of

Form FD7

20

No.

Supreme Court of Nova Scotia
(Family Division)

Between: [copy standard heading]

[name]

Applicant/Petitioner

and

[name]

Respondent

**Statement of Property
of [name] prepared on [date]**

I make *[oath/affirm]* and give evidence as follows:

- 1 The particulars of all my property and debts and of all my property and debts that I hold jointly with _____ are accurately set out below, to the best of my knowledge, information and belief.

Real Estate

Ownership	Nature and Address of Real Estate	Value as of _____
-----------	-----------------------------------	-------------------

Household Items

[Show items by major category, e.g. appliances, furniture and household effects, jewellery, etc. List major items in each category and identify which party currently has possession of the item.]

Category	Possession	Major Items	Value as of _____
----------	------------	-------------	-------------------

Vehicles

[Give make, model and year for automobiles, boats and other vehicles and identify which party currently has possession of the vehicle and current market value.]

Make, Model and Year	Possession	Value as of _____
-----------------------------	-------------------	--------------------------

Pensions

[If you have a pension, attach your most recent annual pension statement and any further information you have explaining your pension plan.]

Category	Institution	Value as of _____
-----------------	--------------------	--------------------------

R.R.S.P.s

[If you have a registered retirement savings plan, specify the institution where it is held, the account number and the present amount. Attach any recent statements from the institution where your RRSP is held.]

Category	Institution	Account Number	Value as of _____
-----------------	--------------------	-----------------------	--------------------------

Savings and Other Accounts

[Show all accounts, setting out the type of account, in what names it is held, the financial institution where it is held, the account number and the present amount in the account. Even if there no current balance in the account, provide the particulars and indicate a zero balance. Any other savings or cash holding, other than securities should be shown here.]

Category	Institution	Account Number	Value as of _____
-----------------	--------------------	-----------------------	--------------------------

Securities

[Show items by category, e.g. shares, bonds, mutual funds, warrants, options, debentures, notes and any other securities and identify if it is held in your name or jointly. Set out category, description, number, and estimated market value.]

Category	Number	Description	Estimated Value as of _____
-----------------	---------------	--------------------	------------------------------------

Life and Disability Insurance

[Set out company, policy number, owner, beneficiary, face amount and cash surrender value, if any.]

Company	Policy No.	Owner	Beneficiary	Face Amount	Cash Surrender Value as of _____
----------------	-------------------	--------------	--------------------	--------------------	---

Accounts Receivable

[Give particulars of all debts owing to you.]

Particulars

Amount as of _____

Business Interests

[Show any interest in a business, whether incorporated or unincorporated, not set out above. Set out the nature of the firm or company, your interest and its current estimated value.]

Nature of Firm or Company

Interest

Estimated Value as of _____

Other

[Show any other property not included in the above categories.]

Category

Estimated Value as _____

Debts

[Show debts by category, e.g. mortgages, loans, credit cards, charges, liens and notes payable. Include any contingent liabilities such as guarantees. Show the identity of any property affected by any mortgages or charges. Set out category, particulars of the debt (including whether a joint debt or not, interest rate, term or number of payments remaining, any property affected, and present amount.)]

Category	Institution	Particulars	Amount Owing as of _____
----------	-------------	-------------	--------------------------

[*Sworn to/Affirmed*] before me)
 on [date] , 20)
 at [City/Town] , Nova Scotia)
)
)
)
)

 Signature of Authority
 Print name:

 Signature of

Form FD8

20

No.

Supreme Court of Nova Scotia
(Family Division)

Between: [copy standard heading]

[name]

Applicant

and

[name]

Respondent

Notice of Motion for Directions (Family)

To:

Motion for date and directions

At [a.m./p.m.] on [date], 20 , the applicant will appear before a judge in court at the courthouse at:

to make a motion for an order giving directions and appointing a time, date, and place for the hearing.

If you fail to attend

The judge may provide directions in your absence if you or your counsel fail to attend.

Affidavit on motion for directions

The applicant files the affidavit of _____ , sworn on [date] , 20 , as evidence on the motion for directions. A copy of the affidavit is delivered to you with this notice.

Signature

Signed on [date] , 20

Signature
Print name:

Form FD9

20

No.

Supreme Court of Nova Scotia
(Family Division)

Between: [copy standard heading]

[name]

Applicant

and

[name]

Respondent

Affidavit Supporting a Motion for Directions (Family)

I make [oath/affirm] and give evidence as follows:

1 I am [name] , the [applicant/respondent] and I filed a [choose one] :

- ☐ Notice of Application
- ☐ Notice of Variation Application
- ☐ Response to Application
- ☐ Response to Variation Application

on [date] , 20 .

2 I have personal knowledge of the evidence [sworn to/affirmed] in this affidavit except where otherwise stated to be based on information or belief.

3 I state, in this affidavit, the source of any information that is not based on my own personal knowledge, and I state my belief of the source.

4 I have made a motion, filed on [date] , 20 , for an order giving directions and appointing a time, date, and place for the hearing, and this affidavit provides the required supporting evidence.

5 There are: [choose one]

- ☐ no persons who have an interest in the application other than the parties.

- ☐ the following persons who may have an interest in the matters raised by the application [provide names]:

6 I expect to file, in addition to my own affidavit(s) [choose one]:

- ☐ no affidavits from witnesses.
- ☐ affidavits from the following witnesses, dealing with the following subjects:

<i>Name of Witness</i>	<i>Subject</i>

7 I know that the following other persons may have relevant information:

<i>Name of Witness</i>	<i>Possible Subject</i>

8 Witnesses: [choose one]

- ☐ I do not anticipate discovering any witnesses.
- ☐ I anticipate discovering the following witnesses [list names] :

9 I have filed all statements, documents, and information required by the *Nova Scotia Civil Procedure Rules*, and the applicable legislation, as follows:

- ☐ parenting statement filed on [date] , 20
- ☐ statement of income filed on [date] , 20
attached supporting documents as required and listed in the statement
- ☐ statement of special or extraordinary expenses filed on [date] , 20

- ☐ attached supporting documents as required and listed in the statement
- ☐ statement of undue hardship circumstances filed on [date] , 20
attached supporting documents as required and listed in the statement
- ☐ statement of expenses filed on [date] , 20
attached supporting documents as required and listed in the statement
- ☐ statement of property filed on [date] , 20
attached supporting documents as required and listed in the statement
- ☐ pre-hearing brief filed on [date] , 20
- ☐ affidavit of [name]
filed on [date] , 20
- ☐ other affidavits and documents [give specifics, filing date, and indicate if each document was filed in support of a motion and whether a request will be made to rely on the document at the hearing] :

10 I have received a copy of the Respondent's: [choose one]

- ☐ Response to Application, filed on [date] , 20 , by the other party(ies),
_____ [name(s)]
- ☐ Response to Variation Application, filed on [date] , 20 , by the other party(ies),
_____ [name(s)]
- ☐ I do not know whether the other party(ies), _____
[name(s)] has filed a Response to Application or a Response to Variation Application,
as I have not received any copy of a filed response.

11 I have received a copy of the following statements, documents, and information required by the *Nova Scotia Civil Procedure Rules*, and the applicable legislation filed on [date] , 20 , by the other party(ies), _____ [name(s)] [specify documents from above list including filing dates]:

- 12 I require the following statements, documents, and information from the other party(ies), _____ [name(s)], and I believe that these are also required by the *Nova Scotia Civil Procedure Rules*, and the applicable legislation [specify documents from above list]:

- 13 To my knowledge, the following information may significantly affect the time needed to prepare for the hearing and the length of the hearing itself [identify information and include, if applicable, details as required under Rule 5.07(4)(e) to (g)] :

[*Sworn to/Affirmed*] before me)
on [date] , 20)
at [City/Town] , Nova Scotia)
))
))

Signature of Authority
Print name:
Official capacity:

Signature

Form FD10

20

No.

Supreme Court of Nova Scotia
(Family Division)

Between: [copy standard heading]

[name]

Applicant/Petitioner

and

[name]

Respondent

Request for Date Assignment Conference (Divorce)

Party's request

The [petitioner/respondent] , [name] , requests the court to provide a date assignment conference.

Requirements for request

The pleadings have closed and: [choose one]

- ☐ both parties have completed all of the following:
- ☐ filed all statements and documents to make disclosure as required by *Civil Procedure Rule 59* or the *Child Support Guidelines*;
- ☐ discovered all individual parties of whom they require discovery, discovered at least the designated manager or one other officer or employee from any corporate party of whom they require discovery and answered interrogatories required to be answered by or on behalf of the party;
- ☐ 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.

[or]

- ☐ the [petitioner/respondent] , [name] , has completed all of the following:

- ☐ filed all statements and documents to make disclosure as required by *Civil Procedure Rule 59* or the *Child Support Guidelines*;
- ☐ discovered all individual parties of whom they require discovery, discovered at least the designated manager or one other officer or employee from any corporate party of whom they require discovery and answered interrogatories required to be answered by or on behalf of the party;
- ☐ 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.

The other party, [name] , the [*respondent/petitioner*] , has not completed these required steps and

[Provide an explanation of why this is not necessary or possible, and all steps taken to obtain the required information.]

[or]

The party making this request is permitted to do so by order [date] , 20 .

Pleadings

[list all pleadings in chronological order]

<i>Date</i>	<i>Pleading</i>	<i>Brief Description of Relief Sought</i>
	[Petition for Divorce]	
	[Answer]	

List of orders

[list all orders in chronological order]

<i>Date</i>	<i>Order</i>	<i>Description</i>

Status of action

The status of procedures in relation to this divorce action is: [choose one]

- ☐ as provided in the section on **Requirements for request** for disclosure, and there are no outstanding discoveries or expert opinion.

- ☐ as follows:

[Describe generally, including the status of the disclosure, discoveries, and expert opinion.]

Future procedures

This party foresees the parties being engaged in the following procedures before trial:

[Describe all procedures that may be engaged by any party, including holding a discovery, delivery of an expert's report, and making a motion.]

Statements and documents filed

The evidence in support of the request is as follows:

- ☐ marriage certificate [if marriage certificate cannot be produced, an affidavit must be filed proving the marriage and providing sufficient reasons for not proving it by certificate, or an order waiving the requirement of producing the marriage certificate]
- ☐ affidavit proving the other party was notified of the proceeding
- ☐ parenting statement filed on [date] , 20
- ☐ statement of income filed on [date] , 20
 - ☐ attached supporting documents as required and listed in the statement
- ☐ statement of special or extraordinary expenses filed on [date] , 20
 - ☐ attached supporting documents as required and listed in the statement
- ☐ statement of undue hardship circumstances filed on [date] , 20
 - ☐ attached supporting documents as required and listed in the statement
- ☐ statement of expenses filed on [date] , 20
 - ☐ attached supporting documents as required and listed in the statement

- ☐ statement of property filed on [date] , 20
 - ☐ attached supporting documents as required and listed in the statement
- ☐ trial brief filed on [date] , 20
- ☐ draft divorce order
- ☐ draft corollary relief order
- ☐ other required statements or documents [give specifics, filing date, and indicate if each document was filed in support of a motion and whether a request will be made to rely on the document at the hearing]
- ☐ the other party's required statements and information - specify documents from above list:

- ☐ affidavit evidence showing that the other party fails to produce a required statement or information and showing production cannot reasonably be compelled

Documents and information to be introduced

This party anticipates the following documentary and electronic evidence will be introduced at trial by any party: [generally describe quantity and nature]

Witnesses this party will call

<i>Witness</i> [name or subject]	<i>Time Required for Testimony</i>

Number of days for divorce trial

<i>Event</i>	<i>Time Required</i>
Petitioner's case	
Respondent's case	
Submissions	
Other:	

Special requirements and arrangements: [choose one]

- ☐ This party anticipates no need for special requirements or accommodations during the trial.
- ☐ This party anticipates the need for the following special requirements or accommodations during the trial:

[Describe need for administration of an oath in a manner not commonly used, video conference equipment, video equipment, use of computer by judge or jurors, interpretation, commission evidence by video conference, accommodation for a person with a disability, or other need.]

Settlement conference [choose one]

- ☐ A settlement conference is requested by this party.
- ☐ A settlement conference is **not** requested by this party.

When ready for trial

This party forecasts both parties being ready for trial by [date] , 20 .

Signature

Signed [date] , 20

Signature of party

Print name:

[or]

Signature of counsel
[name] , counsel for [name of party]

Form FD11

20

No.

Supreme Court of Nova Scotia
(Family Division)

Between: [copy standard heading]

[name]

[Applicant/Petitioner]

and

[name]

[Respondent/Co-Applciant]

Waiver of Financial Statements

Entitlement to full disclosure

The [applicant/petitioner] and the [respondent/co-applicant] understand that they are entitled to full disclosure of the other party's financial circumstance in accordance with the *Nova Scotia Civil Procedure Rules*.

Waiver

The [applicant/petitioner] and the [respondent/co-applicant] agree that they are satisfied with the disclosure provided by the other party and waive the filing and serving of financial statements as required by the Rules.

Signature

Signed [date] , 20

Signature of [applicant/petitioner]

Print name:

Signature of [respondent/co-applicant]

Print name:

Form FD12

20

No.

Supreme Court of Nova Scotia
(Family Division)

Between: [copy standard heading]

[name]

Applicant

and

[name]

Respondent

Affidavit Supporting an Uncontested Divorce (Application)

I [make oath/affirm] and give evidence as follows:

- 1 I am [name] the applicant in this proceeding.
- 2 I filed an application for divorce by agreement on [date] , 20 , and this affidavit provides the required supporting evidence.
- 3 I have personal knowledge of the evidence [sworn to/affirmed] in this affidavit except where otherwise stated to be based on information or belief.
- 4 I state, in this affidavit, the source of any information that is not based on my own personal knowledge, and I state my belief of the source.

Application, jurisdiction, and details of marriage

- 5a I confirm that all the information contained in the divorce application is true and accurate to the best of my knowledge [except for the following corrections or changes: provide details] and that [name] lives in [community] , and [name] lives in [community] .
- 5b The [applicant/respondent] [name] was habitually resident in Nova Scotia for at least one year before the day this application was signed and, in particular since [date] .

5c The following are the details of the marriage:

- Date of marriage:
- Place of marriage:
- Surnames and given names on the day before marriage
Applicant:
Respondent:
- Gender on the day before marriage
Applicant: ☐ male ☐ female ☐ another gender
Co-applicant: ☐ male ☐ female ☐ another gender
- Marital status when married
Applicant: ☐ never married/single ☐ divorced
Respondent: ☐ never married/single ☐ divorced
- Place and date of birth
Applicant:
Respondent:

Financial statements

6 The financial statements filed remain true and accurate, to the best of my knowledge [except for the following corrections or changes: provide details] .

Reconciliation

7 There is no possibility of reconciliation between the respondent and me.

Ground

8 I am seeking a divorce from the respondent on the ground that our marriage has permanently broken down and, in particular, that the respondent and I were living separate and apart since [date] . We were living separate and apart at the commencement of the proceeding and have lived separate and apart for at least one year immediately preceding the determination of the divorce proceeding.

[or]

- 8 I am seeking a divorce from the respondent on the ground that our marriage has permanently broken down and, in particular, that the respondent has treated me with [*mental/physical*] cruelty of such a kind as to render intolerable our continued cohabitation. [Provide facts in support here.] There was no condonation or connivance by me of the conduct which is the basis of that cruelty.

[or]

- 8 I am seeking a divorce from the respondent on the ground that our marriage has permanently broken down and, in particular, that the respondent has committed adultery by having sexual intercourse with another person during the marriage. [Provide facts in support here, and refer to the affidavit, or certified transcript of the examination for discovery, of the admission of the respondent's adultery.] There was no condonation or connivance by me of the adultery.

Collusion

- 9 There was no collusion in relation to these proceedings.

Written agreement or previous court order

- 10 Attached is a true copy of [*the written agreement between the respondent and me dated* , 20 ,/*a true copy of the court order dated* , 20 ,/describe combination of written agreement and court order addressing corollary relief] in settlement of all corollary matters.

Children

- 11 There are no children of the marriage as described in the *Divorce Act*.

[or]

- 11a The full names and birth dates of the children are: [provide details]

- 11b [Set out in general terms the decision-making responsibility, parenting time and parenting arrangements in the agreement.]

- 11c There are, and there were, no other proceedings or circumstances between the parties or affecting the well-being or safety of the [*children/parties*] .

[or]

- 11c There are, or there were, other proceedings or circumstances between the parties or affecting the well-being or safety of the [*children/parties*] , the details of which are set out in the following table:

Type of proceeding(s) & court file number	[provide court file number & describe the type of proceeding, for instance, civil, protection, criminal or other]
Order(s) or other measure	[describe any relevant order, including an order to protect a person's safety, recognizance or undertaking, peace bond, condition, etc.]
Circumstance(s)	[describe]

- 11d [Set out in general terms the child support provisions of the agreement, as well as the present employment and annual incomes of the parties. If child support is not to be paid or if the amount differs significantly from the *Guidelines*, explain why.]
- 11e [Refer to any benefits being retained or provided for the children, including medical, dental and drug plan coverage, life insurance, etc.]
- 11f [Explain the basis upon which the parties conclude that the agreement makes reasonable arrangements for the support of the children.]
- 11g [Set out the details of any court order or request for a court order for contact, interaction or parenting arrangements with the child/children of the marriage by a person who is not a party to this proceeding, including party names and court file number.]

Spousal support

- 12 No spousal support will be paid by either party to the other.

[or]

- 12 [Set out in general terms the spousal support provisions of the agreement. If present employment and annual incomes are not provided above under "Children", provide those particulars here.]

Costs

- 13 I am not seeking costs.

[or]

- 13a I am seeking costs in the amount of [\$] .

- 13b [State the basis for the claim for costs and the amount.]

Request for relief

- 14a I request that this Honourable Court grant my application for a divorce order. I also request that the terms and conditions of [our written agreement dated , 20 / court order dated , 20 /written agreement dated , 20 and court order dated , 20] be incorporated in and form part of the corollary relief order.
- 14b [Set out any special relief or unusual circumstances affecting relief.]

Change of name [may delete this section if it does not apply]

- 15a I am seeking an order changing my name from [present full name] to [full name, including middle name(s)] .
- 15b Prior to my marriage to the respondent, my name was [pre-marriage name] . My name at birth was [name] and I was born on [date] [provide particulars for example, full name on birth certificate, including middle name(s)] .

[Sworn to/Affirmed] before me)
 on [date] , 20)
 at [City/Town] , Nova Scotia)
)
)
)

 Signature of Authority

Print name:
 Official capacity:

 Signature of applicant

Print name:

Form FD12A

20

No.

Supreme Court of Nova Scotia
(Family Division)

Between: [copy standard heading]

[name]

Applicant

and

[name]

Co-Applicant

Affidavit Supporting an Uncontested Divorce (Joint Application)

We [make oath/affirm] and give evidence as follows:

- 1 We are [name] and [name], the applicants in this proceeding.
- 2 We filed a joint application for divorce on [date], 20 , and this affidavit provides the required supporting evidence.
- 3 We have personal knowledge of the evidence [sworn to/affirmed] in this affidavit except where otherwise stated to be based on information or belief.
- 4 We state, in this affidavit, the source of any information that is not based on our own personal knowledge, and we state our belief of the source.

Application, jurisdiction, and details of marriage

- 5a We confirm that all the information contained in the divorce application is true and accurate to the best of our knowledge and that [name] lives in [address], and [name] lives in [address].
- 5b The applicant [name] was habitually resident in Nova Scotia for at least one year before the day this application was signed and, in particular since [date].
- 5c The following are the details of the marriage:
 - Date of marriage:
 - Place of marriage:

- Surnames and given names on the day before marriage
Applicant:
Co-applicant:
- Gender on the day before marriage
Applicant: ☐ male ☐ female ☐ another gender
Co-applicant: ☐ male ☐ female ☐ another gender
- Marital status when married
Applicant: ☐ single ☐ divorced
Co-applicant: ☐ single ☐ divorced
- Place and date of birth
Applicant:
Co-applicant:

Financial statements

- 6 The financial statements filed remain true and accurate, to the best of our knowledge [except for the following corrections or changes: provide details] .

Reconciliation

- 7 There is no possibility of reconciliation between the applicant and co-applicant.

Ground

- 8 We are seeking a divorce on the ground that our marriage has permanently broken down and, in particular, that the co-applicant and I were living separate and apart since [date] . We were living separate and apart at the commencement of the proceeding and have lived separate and apart for at least one year immediately preceding the determination of the divorce proceeding.

Collusion

- 9 There was no collusion in relation to these proceedings.

Written agreement or previous court order

- 10 Attached is a true copy of [*the written agreement between the co-applicant and me dated* , 20 ,/*a true copy of the court order dated* , 20 ,/describe combination of written agreement and court order addressing corollary relief] in settlement of all corollary matters.

Children

11 There are no children of the marriage as described in the *Divorce Act*.

[or]

[If these paragraphs are used, renumber them and the paragraphs that follow in sequence.]

11a The full names and birth dates of the children are: [provide details] .

11b [Set out in general terms the decision-making responsibility, parenting time, and parenting arrangements in the agreement.]

11c There are, and there were, no other proceedings or circumstances between the parties or affecting the well-being or safety of the [children/parties] .

[or]

11c There are, or there were, other proceedings or circumstances between the parties or affecting the well-being or safety of the [children/parties,] the details of which are set out the following table:

Type of proceeding(s) & court file number	[provide court file number & describe the type of proceeding, for instance, civil, protection, criminal or other]
Order(s) or other measure	[describe any relevant order, including an order to protect a person's safety, recognizance or undertaking, peace bond, condition, etc.]
Circumstance(s)	[describe]

11d [Set out in general terms the child support provisions of the agreement, as well as the present employment and annual incomes of the parties. If child support is not to be paid or if the amount differs significantly from the *Guidelines*, explain why.]

11e [Refer to any benefits being retained or provided for the children, including medical, dental and drug plan coverage, life insurance, etc.]

11f [Explain the basis upon which the applicants conclude that the agreement makes reasonable arrangements for the support of the children.]

11g [Set out the details of any court order or request for a court order for contact, interaction or parenting arrangements with the child/children of the marriage by a person who is not a party to this proceeding, including party names and court file number.]

Spousal support

12 No spousal support will be paid by either party to the other.

[or]

12 [Set out in general terms the spousal support provisions of the agreement. If present employment and annual incomes are not provided above under "Children", provide those particulars here.]

Costs

13 We are not seeking costs.

[or]

[If these paragraphs are used, renumber them and the paragraphs that follow in sequence.]

13a I am seeking costs in the amount of [\$] .

13b [State the basis for the claim for costs and the amount.]

Request for relief

14 We request that this Honourable Court grant our application for a divorce order. We also request that the terms and conditions of [our written agreement dated , 20 /court order dated , 20 /written agreement dated , 20 and court order dated , 20] be incorporated in and form part of the corollary relief order.

15 [Set out any special relief or unusual circumstances affecting relief, if applicable, and renumber any remaining paragraphs as required.]

Change of name [may delete this section if it does not apply]

16 I am seeking an order changing my name from [present full name] to [full name, including middle name(s)] .

17 Prior to my marriage to the [applicant/co-applicant] , my name was [pre-marriage name] . My name at birth was [name] , and I was born on [date] . [Provide particulars for example, full name on birth certificate, including middle name(s).]

[*Sworn to/Affirmed*] before me)
on [date] , 20)
at [City/Town] , Nova Scotia)
)
)
)

Signature of Authority
Print name:
Official capacity:

Signature of applicant

[*Sworn to/Affirmed*] before me)
on [date] , 20)
at [City/Town] , Nova Scotia)
)
)
)

Signature of Authority
Print name:
Official capacity:

Signature of co-applicant

Form FD12B

20

No.

Supreme Court of Nova Scotia
(Family Division)

Between: [copy standard heading]

[name]

Petitioner

and

[name]

Respondent

Affidavit Supporting an Uncontested Divorce (Petition)

I [make oath/affirm] and give evidence as follows:

- 1 I am [name] the petitioner in this proceeding.
- 2 I filed an uncontested motion for divorce on [date] , 20 , and this affidavit provides the required supporting evidence.
- 3 I have personal knowledge of the evidence [sworn to/affirmed] in this affidavit except where otherwise stated to be based on information or belief.
- 4 I state, in this affidavit, the source of any information that is not based on my own personal knowledge, and I state my belief of the source.

Petition

- 5 I confirm that all the information contained in the petition for divorce continues to remain true and accurate to the best of my knowledge [except for the following corrections or changes: provide details] .

Financial statements

- 6 The financial statements filed remain true and accurate, to the best of my knowledge [except for the following corrections or changes: provide details] .

Reconciliation

7 There is no possibility of reconciliation between the respondent and me.

Ground

8 I am seeking a divorce from the respondent on the ground that our marriage has permanently broken down and, in particular, that the respondent and I were living separate and apart since [date] . We were living separate and apart at the commencement of the proceeding and have lived separate and apart for at least one year immediately preceding the determination of the divorce proceeding.

[or]

8 I am seeking a divorce from the respondent on the ground that our marriage has permanently broken down and, in particular, that the respondent has treated me with [mental/physical] cruelty of such a kind as to render intolerable our continued cohabitation. [Provide facts in support here.] There was no condonation or connivance by me of the conduct which is the basis of that cruelty.

[or]

8 I am seeking a divorce from the respondent on the ground that our marriage has permanently broken down and, in particular, that the respondent has committed adultery by having sexual intercourse with another person during the marriage. [Provide facts in support here, and refer to the affidavit, or certified transcript of the examination for discovery, of the admission of the respondent's adultery.] There was no condonation or connivance by me of the adultery.

Collusion

9 There was no collusion in relation to these proceedings.

Written agreement or previous court order

10 Attached is a true copy of [the written agreement between the respondent and me dated , 20 ,/a true copy of the court order dated , 20 ,/describe combination of written agreement and court order addressing corollary relief] in settlement of all corollary matters.

Children

11 There are no children of the marriage as described in the *Divorce Act*.

[or]

[If these paragraphs are used, renumber them and the paragraphs that follow in sequence.]

- 11a The full names and birth dates of the children are: [provide details] .
- 11b [Set out in general terms the decision-making responsibility, parenting time and parenting arrangements in the agreement.]
- 11c [Set out in general terms the child support provisions of the agreement, as well as the present employment and annual incomes of the parties. If child support is not to be paid or if the amount differs significantly from the *Guidelines*, explain why.]
- 11d [Refer to any benefits being retained or provided for the children, including medical, dental and drug plan coverage, life insurance, etc.]
- 11e [Explain the basis upon which the petitioner concludes that the agreement makes reasonable arrangements for the support of the children.]
- 11f [Set out the details of any court order or request for a court order for contact, interaction or parenting arrangements with the child/children of the marriage by a person who is not a party to this proceeding, including party names and court file number.]

Spousal Support

- 12 No spousal support will be paid by either party to the other.

[or]

- 12 [Set out in general terms the spousal support provisions of the agreement. If present employment and annual incomes are not provided above under "Children", provide those particulars here.]

Costs

- 13 I am not seeking costs.

[or]

[If these paragraphs are used, renumber them and the paragraphs that follow in sequence.]

- 13a I am seeking costs in the amount of [\$] .
- 13b [State the basis for the claim for costs and the amount.]

Request for relief

- 14 I request that this Honourable Court grant my application for a divorce order. I also request that the terms and conditions of [our written agreement dated , 20 /court order dated , 20 /written agreement dated , 20 and court order dated , 20] be incorporated in and form part of the corollary relief order.
- 15 [Set out any special relief or unusual circumstances affecting relief, if applicable, and renumber any remaining paragraphs as required.]

Change of name [may delete this section if it does not apply]

- 16 I am seeking an order changing my name from [present full name] to [full name, including middle names(s)] .
- 17 Prior to my marriage to the respondent, my name was [pre-marriage name] . My name at birth was [name] and I was born on [date] .
[Provide particulars, for example, full name on birth certificate, including middle name(s).]

[Sworn to/Affirmed] before me)
 on, [date] , 20)
 at [City/Town] , Nova Scotia)
)
)
)

 Signature of Authority
 Print name:
 Official capacity:

 Signature of
 Print name:

Form FD13

20

No.

Supreme Court of Nova Scotia
(Family Division)

Between: [copy standard heading]

[name]

Applicant/Petitioner

and

[name]

Respondent

Notice of Motion for Interim Relief (Family Proceeding)**To:** [name of respondent]**Motion**

_____ [name] , the _____ in
this proceeding, moves for an order for the following relief:

- ☐ interim decision-making responsibility/custody;
- ☐ interim parenting time, contact time or interaction;
- ☐ leave to apply;
- ☐ interim child support;
- ☐ interim spousal support;
- ☐ interim exclusive occupation or possession of residence or matrimonial home;
- ☐ other interim relief, specifically _____

Time and place [to be completed by court staff]

The motion is to be heard by a judge on [date] _____, 20____ at _____ [a.m./p.m.] at
the courthouse located at: _____

The party making the motion requests the motion for hearing for _____.
The party making the motion says that the motion will not require more time.

References

The party making the motion relies on the following legislation, Rules, or points of law:

- ☐ the *Divorce Act*, section(s) _____;
- ☐ the *Parenting and Support Act*, section(s) _____;
- ☐ the *Matrimonial Property Act*, section(s) _____;
- ☐ interim spousal support or spousal maintenance;
- ☐ other: _____.

Evidence and documents

The evidence in support of the motion is as follows:

- ☐ affidavit of _____;
- ☐ other affidavits, specifically: _____.

The applicant also relies on the following documents in support of the motion:

- ☐ 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.

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

Possible order against you

You may file an affidavit and a brief, attend the hearing of the motion, and state your position on whether the proposed order should be made. If you do not attend, the judge may grant an order without further notice to you.

Signature

Signed on [date] , 20

Signature
Print name:

Form FD14

20

No.

Supreme Court of Nova Scotia
(Family Division)

Between: [copy standard heading]

[name]

Applicant/Petitioner

and

[name]

Respondent

Ex Parte Motion (Family Proceeding)

Motion

_____[name], the [applicant/petitioner/respondent] in this proceeding, moves for an order for the following relief [describe relief or order sought; you may use wording from the list in Notice of Motion for Interim Relief (Family Proceedings)] :

References

The applying party relies on the following legislation, Rules, or points of law [give specific legislation or rule, including section number(s), or other legal authority for relief sought; you may use wording from the list in Notice of Motion for Interim Relief (Family Proceedings)] :

Reason motion is *ex parte*

This motion is made without notice to any other person because [give specifics] :

Evidence and documents

The evidence in support of the motion is as follows:

- ☐ affidavit of _____;
- ☐ other affidavits, specifically: _____.

The applicant also relies on the following documents in support of the motion:

- ☐ parenting statement;
- ☐ statement of income;
- ☐ statement of special or extraordinary expenses;
- ☐ statement of undue hardship circumstances;
- ☐ statement of expenses;
- ☐ statement of property;
- ☐ pre-hearing brief.

Time and place [to be completed by court staff]

The party making this motion will appear before the judge on [date] _____, 20
at _____ [a.m./p.m.] at the courthouse located at: _____.

Signature

Signed on [date] , 20

Signature
Print name:

Form FDO1

20

No.

Supreme Court of Nova Scotia
(Family Division)

Between: [copy standard heading]

[name]

Applicant/Petitioner

and

[name]

Respondent

Interim Order for Child Support

Before [the Honourable Justice/Court Officer name or blank] :

A motion was made on [date] , 20 , by [name of moving party] , for an interim order for child support at the table amount under the *Child Support Guidelines* [describe the circumstances of motion];

The parties have [number of *child/children*] : [Provide full name of each child and birth date.]

The [name of other party] is found to have an annual income of \$ [amount] based upon [set out basis upon which total annual income is determined] for the purpose of determining the table amount of child support;

The motion of [name of moving party] was determined after [*hearing from both parties/ hearing from*] [name of moving party] only with [name of other party] [failing to appear/ describe circumstances] ;

[*And upon the Court Officer being satisfied that it would be appropriate to grant an Order in accordance with Civil Procedure Rule 59.33;*]

On motion of [name of moving party, parties, or counsel] : the following is ordered under [*section 15.1 of the Divorce Act/section 9 of the Parenting and Support Act*] .

Payment of child support

1 [name of other party] shall pay child support to [name of moving party] pursuant to the *Child Support Guidelines* and in accordance with the Nova Scotia table, the amount of \$ [amount] per month, payable on the first day of each month, and commencing [date] , 20 .

Method of payment

2 All support payments must be made payable to [name of party receiving support] .

The payments must be sent by [name of party paying support] to the Office of the Director of Maintenance Enforcement, P.O. Box 803, Halifax, Nova Scotia, B3J 2V2, while the order is filed for enforcement with the Director.

A court officer must send the current designated addresses of the parties, and a copy of this order, to the Office of the Director of Maintenance Enforcement in accordance with section 9 of the *Maintenance Enforcement Act*.

Both parties must advise the Office of the Director of Maintenance Enforcement of any change to their address, within ten (10) days of the date of the change, under section 42(1) of the *Maintenance Enforcement Act*.

[name of party paying support] must advise the Office of the Director of Maintenance Enforcement of a change in location, address and place of employment, including the commencement or cessation of employment, within ten (10) days of the date of the change, under section 42(2) of the *Maintenance Enforcement Act*.

Issued [date] , 20 .

Court Officer

[Add the following when the order is made by a court officer.]

[Note that when an order is made by a court officer, the *Civil Procedure Rules* permit you to make a motion to the court officer to terminate or change the order, or appeal the order to a judge. The motion must be made or the appeal started, no more than ten days after a copy of the order is delivered to you.]

Form FDO4

20

No.

Supreme Court of Nova Scotia
(Family Division)

Between: [copy standard heading]

[name]

Petitioner/Applicant

and

[name]

Respondent

Order (Family Proceeding)

[may add words to distinguish from other orders or
to identify a consent order]

Before the Honourable Justice [name or blank]

This proceeding is before the court for determination [*following a hearing*/describe circumstances including when the parties agree with the terms as a consent order] .

Proof of service of the notice was established and the [*application/application and response*] , and the evidence presented by [*affidavit/testimony/affidavit and testimony*] , were considered.

[add if there are children]

The parties have the following [*child/children*] :

Name of Child

Date of Birth

[add if applicable]

[name] acknowledges that he is [*the father/a possible father*] of the [*child/children*] :

Name of Child

Date of Birth

[add if child support is to be paid]

[name of party paying child support] is found to have an annual income of \$ [amount] [add if child support includes special or extraordinary expenses]

For the purpose of making an order for payment of special or extraordinary expenses, the [name of party receiving child support] is found to have an annual income of \$ [amount] .

[or]

[replace the two income clauses with the following, if applicable]

For the purpose of making an order for payment of child support in an amount other than the table amount and special or extraordinary expenses, the [name of party paying child support] is found to have an annual income of \$ [amount] , and the [name of party receiving child support] is found to have an annual income of \$ [amount] .

[add if there is a court order for contact time with the child/children]

Contact time/interaction arrangements involving the [child/children] of the marriage were granted pursuant to the [Divorce Act/Parenting and Support Act] by court order dated [date issued] bearing the court file number [insert #] .

On motion of [name of moving party, parties, or counsel] : the following is ordered under the [Parenting and Support Act/Parenting and Support Act] and [name of applicable legislation] .

[a selection from paragraphs 1 to 10, as applicable, is required]

[delete paragraphs 1 to 6 if there are no children]

Custody

1 Custody of the following [child/children] is granted to [name both parties jointly] :

<i>Name of Child</i>	<i>Date of Birth</i>

Parenting time

2 [name] has primary care and residence for the [child/children] , and [name] has parenting time at the following times, according to the following terms:

[or]

2 [name] has primary care and residence for the [child/children] , and [name] will have reasonable parenting time with the [child/children] on reasonable notice to [name] or at times agreed to by the parties.

[or]

2 The parties will share parenting time with the [child/children] , such that each parent cares for the [child/children] for a minimum of 40% of the time over the course of a year, according to following schedule and the following terms: [provide details]

Child support payments

3a [name] must pay child support to [name] in the amount of \$ [amount] each month, based on the applicable table amount of the *Child Support Guidelines*.

[add if an amount for special or extraordinary expenses is to be paid]

3b In addition to the table amount, [name] must pay child support to [name] in the amount of \$ [amount] each month for their share of the following special or extraordinary [expense/expenses] :

[use the following list for each child's expense or create a chart providing this information]

Child's name:

Description of expense:

Total monthly net expense: \$ Monthly

amount to be paid: \$

Percentage: %

3c In total, [name] must pay child support to [name] in the amount of \$ [amount] each month, consisting of the table amount of \$ [amount] per month, plus special or extraordinary expenses of \$ [amount] per month.

When child support payments are due

4 Child support payments are due on the first day of each month starting on [date] , 20 .

[or]

[Provide payment schedule, for example, weekly, bi-weekly, or twice per month on specified dates.]

Child support through health plan

5 [name] must [continue/acquire and continue] medical, dental and drug plan coverage for the [child/children] available through their present or subsequent employer and [name] must see that the other party is reimbursed without delay after a receipt is delivered by the other party for submission to the insurer.

[or]

[set out specific terms]

Ongoing disclosure for child support

6 No later than June 1 of each year, [name both parties] must provide [name each other] with a copy of their income tax return, completed and with all attachments, even if the return is not filed with the Canada Revenue Agency, and also provide each other with all notices of assessment from the Canada Revenue Agency, immediately after they are received. If non-taxable or unreported income is earned or received, [name] must provide

[name] with supporting documents to show all non-taxable and unreported income earned for the prior income tax year.

Spousal support

7 Neither party is required to pay spousal support to the other.

[or]

7 [name] must pay spousal support to [name] in the amount of \$ [amount] each month.

When spousal support payments are due

[delete if neither party is to pay spousal support]

8 Spousal support payments are due on the first day of each month starting on [date] , 20 .

[or]

[Provide payment schedule, for example, weekly, bi-weekly, or twice per month on specified dates.]

Director of Maintenance Enforcement

[delete if neither party is to pay support]

9a All support payments must be made payable to [name of party receiving support] .

9b The payments must be sent by [name of party paying support] to the Office of the Director of Maintenance Enforcement, P.O. Box 803, Halifax, Nova Scotia, B3J 2V2, while the order is filed for enforcement with the Director.

9c A court officer must send a copy of this order, under section 9 of the *Maintenance Enforcement Act*, and the current designated addresses of the parties, to the Office of the Director of Maintenance Enforcement.

9d Both parties must advise the Office of the Director of Maintenance Enforcement of any change to their address, within ten (10) days of the date of the change, under section 42(1) of the *Maintenance Enforcement Act*.

9e [name of party paying support] must advise the Office of the Director of Maintenance Enforcement of any change in location, address and place of employment, including the start or end of employment, within ten (10) days of the date of the change, under section 42(2) of the *Maintenance Enforcement Act*.

Enforcement

- 10a A requirement to pay money under this order, that is not enforced under the *Maintenance Enforcement Act*, may be enforced by execution order, or periodic execution order.
- 10b The sheriff must do such things as are necessary to enforce this order and, to do so, may exercise any power of a sheriff permitted in a recovery order or an execution order.
- 10c All constables and peace officers are to do all such acts as may be necessary to enforce the terms of this order and they have full power and authority to enter upon any lands and premises to enforce this order.

Issued [date] , 20 .

Court Officer

Form FDO5

20

No.

Supreme Court of Nova Scotia
(Family Division)

Between: [copy standard heading]

[name]

Applicant/Petitioner

and

[name]

Respondent

Order for Paternity Testing

Before [the Honourable Justice/Court Officer name or blank] :

A motion was made on [date] , 20 , by [name of moving party] , for an order for a paternity test. [Describe the circumstances of motion and conciliation as applicable.]

[Name of possible father] has been identified as a possible father of the child, [name and birthdate] ;

On the motion of [name of moving party] , the following is ordered:

Testing

- 1 The mother, [name] , possible father, [name] , and the dependent child, [name and birthdate] , shall submit to one or more blood grouping tests or DNA profile comparison tests to be made by a duly-qualified medical practitioner or other qualified person, to determine whether or not the possible father can be excluded as being the father of the child.

Responsibility for arrangements and costs

- 2 The [*mother/possible father*] , [name] is responsible for all arrangements and all costs associated with the testing, including costs incurred by the other party and the dependent child, [name and birthdate] .

[or]

- 2 The [applicant] , [name] is responsible for all arrangements and all costs associated with the testing, including costs incurred by the other party and the dependent child, [name and birthdate] are to be paid by the applicant in accordance with section 27(3) of the *Parenting and Support Act*.

[or]

- 2 The parties agree that they will be equally responsible for all arrangements and further agree that all costs associated with the testing, including costs incurred by the dependent child, [name and birthdate] will be paid by [describe how the costs are to be paid] .

Return to conciliation meeting

- 3 The parties shall return to the courthouse at , [Street/Avenue] , Nova Scotia to attend a conciliation meeting with a court officer [name] , at [a.m./p.m.] on [date] , 20 .

Issued [date] , 20 .

Court Officer

[Add the following when the order is made by a court officer.]

[Note that when an order is made by a court officer, the Civil Procedure Rules permit you to make a motion to the court officer to terminate or change the order, or appeal the order to a judge. The motion must be made or the appeal started, no more than ten days after a copy of the order is delivered to you.]

Form FDO6

20

No.

Supreme Court of Nova Scotia
(Family Division)

Between: [copy standard heading]

[name]

Applicant/Petitioner

and

[name]

Respondent

Order for an Assessment Report

Before the Honourable Justice [name or blank]

Proof of sufficient grounds to grant the preparation of an assessment report were established.

The parties have [a dependent child/dependent children] born of their relationship who [is/are] :

Name

Birth Date

For the purposes of determining the cost to the parties for the preparation of the assessment report, [name of applicant] is found to have a gross annual income of approximately \$ [amount] and [name of respondent] is found to have a gross annual income of approximately \$ [amount] .

On motion of [name of moving party, parties, or counsel] the following is ordered:

Preparation of report

[Select the applicable request]

- 1 A [decision-making responsibility/custody, parenting time and interaction/parenting time and interaction/parental capacity/(when required add including psychological testing/voice of the child)] assessment shall be prepared by an assessor selected from the approved Supreme Court (Family Division) list of assessors and agreed upon by the parties or, in the event that the parties are unable to agree, as selected by the court.

2 The assessor is to conduct the assessment and provide an opinion about [Sample wording below – the assessor must know what you expect to receive.]

Decision-making responsibility/custody, parenting time and interaction

What may be an appropriate decision-making responsibility/custody, parenting time and interaction arrangement for the [child/children] commenting upon any needed conditions or restrictions attached to recommendations made.

Parenting time and interaction

The appropriate parenting time and interaction, if any, to be exercised by [name] with the [child/children] commenting upon whether any conditions or restrictions should be placed upon [name] while [he/she] has the [child/children] in [his/her] care.

Parental capacity

What may be an appropriate decision-making responsibility/custody, parenting time and interaction arrangement for the [child/children] commenting upon [name(s)] parenting capacity and upon any needed conditions or restrictions attached to recommendations made.

Voice of the child

The [child's/children's] observations, viewpoint, and life experiences with each parent including the [child's/children's] preferences if they wish to express a preference about anything relevant to the present or future parenting arrangements.

The ability and maturity of each child to arrive at and express [his/her] viewpoint and preferences.

The independence of the children's viewpoint and preferences as expressed.

Responsibilities

Notwithstanding *Civil Procedure Rule 70.32*, the assessor shall, for the purpose of completing the assessment, have access to the file maintained by the Court in this proceeding.

Both parties shall co-operate in the assessment and do whatever is reasonably necessary to facilitate the completion of the assessment including making themselves and the children available to meet with the assessor when requested to do so.

Both parties shall inform (named collaterals) that they have consent of the parents to provide the assessor all information requested by the assessor.

The assessor shall file the assessment report with this Court upon its completion and shall make copies available to each of the parties unless the assessor is concerned about the impact this report may have in which case the concern is to be provided in a separate letter to the Court and it will decide how and when to release the report to that parent or counsel for each of the parties.

Cost of report

- 3 The cost of this report shall be as prescribed by the *Costs and Fees Act* and the appropriate contribution of each party shall be determined by a separate order of this court.

[or]

[Use the following clause if the court orders that the report be prepared at the expense of the Department of Justice.]

- 3 The Assessment shall be prepared at the expense of the Nova Scotia Department of Justice in accordance with the *Costs and Fees Act*.

Issued [date] , 20

Court Officer