

Schedule “A”

Amendment to the Family Court Rules made by the Family Court Rules Committee under Sections 11 and 12 of Chapter 159 of the Revised Statutes of Nova Scotia, 1989, the *Family Court Act*

- 1 The *Family Court Rules*, N.S. Reg. 20/93, made by the Family Court Rules Committee and approved by the Governor in Council by Order in Council 93-114 dated February 2, 1993, are amended by repealing Rule 1 and substituting the following Rule:

Rule 1 - Citation, Application and Interpretation

Citation

- 1.01** These Rules may be cited as the *Family Court Rules*.

Application

- 1.02** (1) Subject to subrule (3), these Rules govern every proceeding in the Family Court for the Province of Nova Scotia.
- (2) In a proceeding commenced in the court before the coming into of the force and effect of these Rules, the proceeding shall be continued in accordance with these Rules except where they cannot be adapted to the proceeding.
- (3) These Rules shall not apply to any proceeding where they are, or appear to be, contradictory to any enactment under which an application is before the court.

Object of Rules

- 1.03** The object of these Rules is to secure the just, speedy, and inexpensive determination of every proceeding.

Application of *Interpretation Act* and *Civil Procedure Rules*

- 1.04** (1) The *Interpretation Act* applies to these Rules and the *Civil Procedure Rules* apply at the discretion of the court, when no provision under these Rules is made.
- (2) In these Rules “application” has the same meaning as “motion” in the *Civil Procedure Rules*, unless the context otherwise requires.

Definitions

1.05 In these Rules, unless the context otherwise requires,

“affidavit” includes a statutory declaration and an agreed statement of facts;

“applicant” means any person who makes an application pursuant to these Rules;

“application” means a proceeding started by filing a notice of application or notice of variation application;

“*Civil Procedure Rules*” means *Nova Scotia Civil Procedure Rules*, 2008 2nd edition, as amended;

“counsel” means a person who is entitled to appear and represent a party in the Family Court pursuant to the *Legal Profession Act*;

“court” means the Family Court or Judge thereof whether sitting in court or in chambers;

“document” includes a sound recording, photograph, film, plan, chart, graph, report, or record of any kind, or a certified copy thereof;

“enter judgment” means to deliver to the family court officer an order embodying a judgment or to make a formal record of the judgment;

“family court officer” means, for the purpose of these Rules, a person designated by the court as a family court officer;

“hearing” means the hearing of an application or a trial pursuant thereto;

“order” means an order or other decision or judgment of the court;

“party” means any person named in an application pursuant to these Rules;

“respondent” means any person who responds or replies to an application;

“response” means either the response to application or response to variation application provided for in this Rule;

“Rule” or “Rules” means the *Family Court Rules*.

Waiver of Rule by agreement

1.06 Unless the court otherwise orders, the parties may agree to waive any Rule.

2 The Rules are further amended by repealing Rule 6 and substituting the following Rule:

Rule 6 - Commencement of Proceedings

Definitions

6.01 In this Rule, unless the context otherwise requires,

“conferences” means either of the following:

- (i) “case management conference” means a judicial pre-hearing conference as set out in Rule 6.22,
- (ii) “settlement conference” means a judicial conference for settlement purposes to assist the parties in resolving an issue or issues in the proceedings;

“court-based ADR” means court-based assisted dispute resolution;

“deliver” means to provide a copy of a document to a designated address in accordance with Rule 6.03;

“family court officer”, for the purpose of Rule 6, means a court official at an office of the Family Court who performs duties and provides services on behalf of the court such as reviewing statements and documents submitted for filing, conducting court-based ADR, directing and ordering disclosure, arranging and scheduling for parties to appear before a judge, and determining interim child maintenance in some circumstances;

“file” means to provide a document to an office of the Family Court for the purpose of filing.

Information

6.02 (1) A person who files a document for the first time in a proceeding must provide information to the family court officer by which the family court officer or a party may contact either the person or counsel who represents the person.

(2) The contact information must include a mailing address, which may be the designated address, and any other means by which the person or counsel is regularly contacted by others, such as a telephone number, an e-mail address, and a fax number.

- (3) The party or counsel must advise the family court officer of a change in the contact information.
- (4) A family court officer who is satisfied that a person may be at risk of harm may direct that a contact information be kept confidential and may assist a party to designate a neutral address for delivery.
- (5) Delivery to the address provided pursuant to subrules (1) to (4) is sufficient for notice of a proceeding, or a step in a proceeding, under this Rule.

Family court officer filing

6.03 (1) Upon receipt of an application, the family court officer shall

- (a) insert on the application a file number and date of filing;
- (b) impress thereon his or her signature and the seal of the court;
- (c) affix the place, time and date of the hearing; and
- (d) file a true copy thereof in his or her office.

(2) The file number assigned to a proceeding shall consist of

- (a) the letter “F” for a proceeding in the Family Court;
- (b) a letter designating the office where the proceeding is commenced, via:

Y	Yarmouth	AT	Antigonish
SB	Shelburne	PIC	Pictou
LP	Liverpool	T	Truro
BW	Bridgewater	K	Kentville
LB	Lunenburg	AR	Annapolis Royal
AM	Amherst	C	Comeauville
W	Windsor		
D	Digby		
BG	Barrington		

- (c) the consecutive number of the proceeding in order of filing in that office.
- (3) All documents subsequently filed or delivered in the proceeding shall bear the same file number.
- (4) A proceeding permanently transferred to the office of another office of the Family Court shall be assigned a file number proper to that office which shall thereafter be the file number of the proceeding.

Facsimile transmissions

6.04 (1) Any document may be delivered to and filed with the court by telephone facsimile transmission as provided in this Rule.

(2) A document may be served by a party on counsel of record in accordance with subrule (3).

(3) A document which is delivered by telephone facsimile transmission shall include a cover page indicating

- (a) the sender's name, address, and telephone facsimile number;
- (b) the date and time of transmission;
- (c) the names of the parties in the proceeding and the file number, if one has been assigned;
- (d) the total number of pages transmitted, including the cover page;
- (e) the telephone facsimile number from which the document is transmitted;
- (f) the name and telephone number of a person to contact in the event of transmission problems.

(4) Subject to subrule (5), filing shall be deemed complete at the time the telephone facsimile transmission is received by the court and the filed facsimile shall have the same force and effect as the original.

(5) Documents filed by telephone facsimile transmission shall only be received on weekdays, excluding holidays, between 9:00 a.m. and 4:00 p.m. Within five days after

the court has received the transmissions, the person filing the document shall deliver the original signed document to the court together with a filing fee and transmission fee as prescribed from time to time. Upon the filing of the original document it shall be clearly marked on the face "Sent by telephone facsimile transmission", giving date and time of such transmission.

(6) Upon failure to comply with any of the requirements of this Rule, the court may make such orders as are just, including but not limited to,

- (a) an order striking pleadings or parts thereof;
- (b) an order removing the facsimile document from the file;
- (c) staying further proceedings until compliance is complete; or
- (d) dismissing the proceeding or any part thereof.

(7) Any certified document sent by the court by telephone facsimile transmission in accordance with subrule (3) shall be deemed to be a certified original document notwithstanding that the seal of the court is not impressed thereon. Such transmitted document may be further certified at the local office of the court by its proper officer.

Starting a proceeding

6.05 (1) A person who wishes to start a proceeding must file

- (a) a Notice of Application which may be in Form 6.04A or Notice of Application to Vary which may be in Form 6.04B; and
- (b) documents, statements, and supporting disclosure required under the Rules unless a judge or family court officer determines that it is appropriate to accept the application notwithstanding that all supporting disclosure has not been filed.

(2) A person who wishes to start a proceeding must meet with a family court officer to be informed of the filing and disclosure obligations and comply with them, unless the family court officer is satisfied that all required information has been provided in the filed notice and all required documents, statements, and supporting disclosure have been filed.

- (3) The family court officer must determine the next step to be taken on the basis of the information in the filed documents, statements, and supporting disclosure, and the next step may include any of the following:
 - (a) a referral to an agency or service;
 - (b) a referral to a family court officer for court-based ADR or case management, or both;
 - (c) an appearance before a judge.
- (4) A respondent in a proceeding started by notice of application may apply for an order by filing a response to application.
- (5) A respondent who seeks to obtain relief that is different from the types of order claimed in the notice of application must file a response to application.
- (6) A respondent must file a response to application no less than fifteen days of the hearing, unless a court officer or judge directs otherwise.
- (7) The response to application must contain the standard heading, be entitled “Response to Application”, be dated and signed, and may be in Form 6.04C.
- (8) A respondent to a proceeding started by notice of variation application may apply for a variation of an order by filing a response to variation application.
- (9) A respondent who seeks to obtain relief that is different from the relief claimed in the notice of variation application must file a response to variation application.
- (10) A respondent must file a response to variation application no less than fifteen days before the day of the hearing, unless a court officer or judge directs otherwise.
- (11) The response to variation application must contain the standard heading, be entitled “Response to Variation Application”, be dated and signed, and may be in Form 6.04D.

Disclosure by parenting statement and deadline for filing

- 6.06** (1) A party who makes a claim for custody, for access, or about parenting of a child must file a parenting statement with the notice by which the claim is made.

- (2) A party who responds to, or contests, a claim for custody, for access, or about parenting of a child must file a parenting statement with the response.

Disclosure by financial statements

- 6.07** (1) A party who makes a claim for support, and the party against whom the claim is made, must make disclosure as required by the applicable legislation, including the *Guidelines*, and this Rule 6 is not intended to alter those requirements.
- (2) Required disclosure of information must be made in the following financial statements, which are further provided for in Rules 6.08 and 6.10:
 - (a) statement of income;
 - (b) statement of special or extraordinary expenses;
 - (c) statement of expenses;
 - (d) statement of undue hardship circumstances;
 - (e) statement of property.
 - (3) Parties who agree on the terms of an order for support, or a variation order for support, are not required to file financial statements if all of the following apply, unless a judge orders otherwise:
 - (a) the order does not affect support for a child;
 - (b) the agreement is in writing and signed by the parties or counsel on their behalf;
 - (c) the parties sign and file a waiver of financial statements.

Disclosure of financial information for child support and other claims

6.08 (1) A party who makes the following claim for child support, and the party against whom the claim is made, must file the following statement or statements:

Claim	Statement
child support in the table amount under the <i>Guidelines</i> and no other financial claim	by the party claiming – none by the party claimed against – a statement of income
special or extraordinary expenses under the <i>Guidelines</i> if the child is able to contribute to the special or extraordinary expenses	by the party claiming – a statement of special or extraordinary expenses by both parties – a statement of income by the party claiming – an additional statement of the child’s income or ability to contribute
child support that is different from the table amount, or the table amount plus special or extraordinary expenses if child support is also for a child who is nineteen years of age or older	by both parties – a statement of income and a statement of expenses by the party claiming – an additional statement of the child’s income and expenses
a claim that child 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	by both parties – a statement of income and a statement of expenses and by both parties – obtained from the other members of their households, as defined in Schedule II of the <i>Guidelines</i> , a copy of the member’s income tax return and notice of assessment for the most recent tax year and any other information required to compare household standards of living in accordance with Schedule II and

	<p>by the party claiming – a statement of undue hardship circumstances and the party’s calculation and comparison of the household standards of living, as provided in Schedule II</p> <p>and</p> <p>by the party against whom the claim is made – a separate calculation and comparison of the household standards of living, as provided in Schedule II may be filed</p>
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(2) A party who makes any of the following claims, and the party against whom the claim is made, must file the following statements:

Claim	Statement
spousal support	<p>by both parties – a statement of income, a statement of expenses and a statement of property</p> <p>and</p> <p>by both parties – a statement of income, a statement of expenses and a statement of property of a person to whom the party is married, or with whom the party lives and has lived for two years or more as a common law partner, or with whom the party is a registered domestic partner</p>
variation of an order for spousal support	<p>a statement of income and a statement of expenses</p> <p>and</p> <p>a statement of income and a statement of expenses by a person to whom the</p>

	party is married, or with whom the party lives and has lived for two years or more as a common law partner, or with whom the party is a registered domestic partner
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Disclosure by affidavit

6.09 All parties in an application shall file an affidavit as directed by a judge or a family court officer.

Deadlines for filing financial statements

6.10 (1) The following deadlines apply to the filing of statements or documents required by Rules 6.07 and 6.08:

- (a) a party who makes a financial claim must file the required statements with the notice that includes the financial claim;
- (b) a party who responds to a financial claim must file the required statements before the following deadlines after delivery of a direction to disclose:
 - (i) not more than fifteen days after delivery in Nova Scotia,
 - (ii) not more than thirty days after delivery elsewhere in Canada,
 - (iii) not more than forty-five days after delivery outside Canada;
- (c) a party who claims that child support should be increased from, or decreased from, the table amount under the *Guidelines* on the basis that the table amount would cause undue hardship to a party or a child, must file the required statements and documents when the party files a notice in which the claim is made or, if there is no such notice, fifteen days after the day the other party delivers a required statement;
- (d) a party responding to an undue hardship claim who files calculations and comparison of the household standards of living, in accordance with Schedule II of the *Guidelines*, must file them no more than fifteen days after the day the calculations and comparison of the party claiming undue hardship are delivered.

(2) Despite Rule 6.10, a judge or family court officer may permit a party, or direct a party, to file a required statement, or a required copy of a document, before a different deadline.

Direction to disclose

6.11 (1) A family court officer or judge may make a direction to disclose requiring a party to disclose relevant information by the applicable deadline in Rule 6.10 or a different deadline directed by a judge or a family court officer.

(2) A family court officer or judge may order a party who fails to make disclosure to appear before a family court officer or a judge and provide disclosure at that time, and a family court officer who is satisfied that the party received actual notice of the direction to disclose may do any of the following:

- (a) make an interim order for child support at the table amount under the *Guidelines*, under Rule 6.18;
- (b) dismiss all or part of an application or claim or adjourn the proceeding without day.

(3) The direction to disclose must be in Form 6.11.

(4) The direction to disclose may be delivered by mail, or other means determined by the family court officer.

Order to appear and disclose and order to disclose

6.12 (1) A family court officer, or a judge, may make an order to appear and disclose that requires a party to appear before the family court officer, or judge, and do any of the following:

- (a) complete a required statement, file a required statement, or file a required document;
- (b) file any other document that discloses relevant information;
- (c) produce a document.

(2) The order for a party to appear and disclose must be in Form 6.12A.

(3) A family court officer, or a judge, may make an order to disclose that requires a party to do any of the following:

- (a) file a required statement or document;
 - (b) file any other document that discloses relevant information;
 - (c) otherwise, provide relevant information.
- (4) The order to disclose must contain the standard heading, be entitled “Order to Disclose” and must be in Form 6.12B.
- (5) A family court officer, or a judge, who is satisfied that a party fails to comply with an order to appear and disclose, or an order to disclose, may do any of the following:
- (a) make an order under Rule 6.13 for disclosure by a person who is not a party;
 - (b) make an interim order for child support under Rule 6.18;
 - (c) dismiss all, or part, of an application or claim or stay the proceeding.
- (6) In addition to the remedies in Rule 6.12(5), a judge who is satisfied that a party fails to comply with an order to appear and disclose, or an order to disclose, may do any of the following:
- (a) make an order for costs against the party;
 - (b) grant an application, in whole or in part, if it is the respondent who fails to appear or disclose;
 - (c) make a contempt order;
 - (d) make any other order the judge considers will achieve justice in the circumstance.

Order for disclosure by non-party

6.13 (1) A family court officer who is satisfied on all of the following, may order a person who is not a party to disclose relevant information that is not privileged:

- (a) the information is in the person’s control;

- (b) the information is about a party's income, expenses, employment, or contact information, such as the party's address or telephone number;
- (c) the party fails to comply with an order to appear and disclose, or an order to disclose, or the party is evading service or cannot be located.

(2) In addition to an order made under Rule 6.13(1), a family court officer may make either of the following orders to obtain disclosure from a person who is not a party if the person does not file the documents as required under Rules 6.08 and 6.09:

- (a) an order that a member of a party's household, as defined in Schedule II of the *Guidelines*, disclose information or produce documents required to make a calculation and comparison of household standards of living for the purposes of an undue hardship claim, as provided in Schedule II of the *Guidelines*;
- (b) an order that a person to whom a party is married, or with whom a party lives and has lived for two years or more as a common law partner, or with whom a party is a registered domestic partner, file a statement of income, a statement of expenses, and a statement of property or any one of these statements, or disclose information or produce documents required by these statements.

(3) A family court officer may permit a party to make an ex parte motion for an order for disclosure by a person who is not a party if a party fails to comply with an order to appear and disclose, or an order to disclose, or the party is evading service or cannot be located.

(4) An order under this Rule 6.13 may include a deadline for filing a financial statement or a document.

(5) The affidavit in support of disclosure by a person who is not a party must contain all of the following:

- (a) a summary of the steps taken in the proceeding;
- (b) information about the person who is not a party, including the name of the person, the name of the recognized agent of a corporation or partnership, and the address of the person or recognized agent;

- (c) a statement of the reasons for the party's belief that the person has information relevant to the proceeding;
 - (d) a description of the information sought.
- (6) The order must contain the standard heading, be entitled "Order for Disclosure by a Non-Party", be dated and signed, and include all of the following:
- (a) a summary of the particulars of the motion;
 - (b) the name of the non-party required to make disclosure;
 - (c) a description of the information required to be disclosed, a requirement that it be disclosed, direction on how it is to be disclosed, and a deadline for filing the document making the disclosure;
 - (d) the name of the person, or of the recognized agent, and the person's address for personal service under Rule 6.13(8);
 - (e) the name, telephone number, and fax number of the family court officer and the address of the office of the court for filing;
 - (f) notice of the person's right to make a motion to appeal, set aside, or vary the order made by a family court officer.
- (7) The order for disclosure by a non-party may be in Form 6.13.
- (8) A family court officer must arrange, or direct one of the parties to arrange, to personally serve a non-party with an order for disclosure by non-party.
- (9) Notwithstanding any provision of this Rule, at any stage of the proceeding, when full financial disclosure as required by the *Guidelines* has not been made, the family court officer may refer the matter to a judge for direction and/or order.

Court-based ADR

6.14 (1) The court-based ADR process includes the following steps, and the family court officer must proceed with a step to the extent that the family court officer is satisfied that the step is necessary to promote the just resolution of the proceeding:

- (a) identify the issues involved;

- (b) ensure proper disclosure by the parties concerning those issues;
- (c) clarify the respective positions of the parties;
- (d) facilitate negotiations between the parties;
- (e) assist the parties to reach a resolution;
- (f) determine the next steps required in the proceeding.

Court-based ADR meeting and directions

6.15 (1) A family court officer who is satisfied it may promote the just resolution of the proceeding must arrange a court-based ADR meeting or meetings and give directions for the time, place, and conduct of the meeting or meetings.

(2) A family court officer who arranges a court-based ADR meeting may require a party to appear, and to participate in, the meeting by delivering to the party a direction to appear.

(3) A direction to appear must contain the standard heading, be entitled “Direction to Appear”, be dated and signed, and may be in Form 16.15.

(4) The direction to appear may be delivered by mail, or other means determined by the family court officer, and the family court officer may cause a direction to disclose under Rule 6.11 to be delivered with it.

Conduct of court-based ADR

6.16 (1) A family court officer may do any of the following during the court-based ADR process:

- (a) arrange a court-based ADR meeting or further court-based ADR meetings;
- (b) adjourn a court-based ADR meeting;
- (c) refer the parties to mediation;
- (d) make an order to appear and disclose, or an order to disclose, against a party who fails to appear or disclose;
- (e) prepare a draft consent order;

- (f) prepare a court-based ADR record;
 - (g) make an order under Rule 6.13 for disclosure by a person who is not a party;
 - (h) make an interim order for child support under Rule 6.18;
 - (i) arrange for the parties to appear before a judge;
 - (j) refer the parties to a person or agency that provides a required service;
 - (k) recommend to a judge that the judge order a parenting assessment report;
 - (l) direct any other step that may lead to a resolution of the issues.
- (2) A family court officer may require a party to provide particulars of a claim at any time in the proceeding.

Consent order in court-based ADR

- 6.17 (1)** A family court officer who conducts a court-based ADR in which the parties reach an agreement on one or more of the issues must prepare a draft consent order that conforms with the agreement and advise each party to obtain independent legal advice about the draft consent order.
- (2) A draft consent order signed by the parties must be referred to a judge for approval no less than ten days after the day the draft order is filed, unless a party files a letter of objection in that time.
- (3) When an objection to a draft consent order is filed within the time provided in Rule 6.17, a family court officer may either refer the issues back for court-based ADR or arrange for the parties to appear before a judge.

Interim order for child support

- 6.18 (1)** A family court officer who is satisfied on both of the following, may make an interim order for child support in the table amount under the *Guidelines*, and no other amount:
- (a) the party against whom the order is sought has not already been ordered to pay support for the same child;

- (b) the Family Court Officer has complete financial disclosure as provided in the *Guidelines* of the party against whom the order is sought.

Variation of, or setting aside, a family court officer’s order

- 6.19** (1) A party who fails to appear or disclose by mistake, because of insufficient notice, or for other good reason, may make an application to a family court officer to set aside or vary an order made under Rule 6.11, Rule 6.12, Rule 6.16, or Rule 6.18, no more than ten days after the day the order is delivered to the party.
- (2) A person affected by an order of a family court officer made under Rule 6.13, may make an application to the family court officer who made the order, to set aside or vary the order, no more than ten days after the day the order is delivered to the person and the family court officer may set aside or vary the order.
- (3) A family court officer may set aside or vary an order made by that family court officer.
- (4) Should an application made pursuant to subrule (1) or (2) be dismissed by a family court officer, the family court officer shall, at the request of a party, refer a proposed order to a judge, who may make such order as is just or refer it back to the family court officer with directions.

Court-based ADR record

- 6.20** (1) A family court officer may file a court-based ADR record at any stage of the court-based ADR process.
- (2) A family court officer must file a court-based ADR record when the family court officer is satisfied that the court-based ADR process has concluded without all issues being settled, unless a judge directs otherwise.
- (3) The court-based ADR record must contain the standard heading, be entitled “Court-based ADR Record”, be dated and signed by the family court officer, and may be in Form 6.20.
- (4) The family court officer who files a court-based ADR record must deliver a copy to each party at least four days before the day the parties are to appear before a judge.
- (5) A party may object to any part of a court-based ADR record by filing a letter summarizing the objection no more than two days after the day the record is delivered to the party.

(6) The court-based ADR record constitutes evidence at the hearing, except any part that is the subject of a written objection, and that part may be considered by a judge who rules against the objection.

Referral to court

6.21 (1) A family court officer shall issue a “Notice to Appear in Court” which may be in Form 6.21 when the following conditions have been established:

- (a) the proceeding is not withdrawn or discontinued;
- (b) the proceeding is not dismissed or adjourned without day by a court officer;
- (c) the proceeding is not resolved by a consent order following court-based ADR;
- (d) the proceeding is not resolved by a consent order or written agreement, including a separation agreement or minutes of settlement, filed by a party;
- (e) the applicant has filed all affidavits, documents, statements, and supporting disclosure required by this Rule 6;
- (f) the respondent has filed all affidavits, documents, statements, and supporting disclosure required by this Rule 6, or all reasonable steps have been taken to obtain the required information.

(2) Notwithstanding any provision of Rule 6.21(1), at any stage of the proceeding, the family court officer may refer the matter to a judge for direction, conference and/or order.

(3) A family court officer may arrange, or direct one of the parties to arrange, to personally serve a “Notice to Appear in Court” upon the parties to the matter.

Conference

6.22 (1) A judge or a family court officer may arrange a pre hearing conference with a judge.

(2) A judge may give directions for the conduct of a proceeding and, otherwise, provide case management.

- (3) A judge who conducts a conference may give direction or make an order as follows:
- (a) appoint a time, date, and place for a settlement conference if all of the parties agree to participate;
 - (b) set a time, date, and place for a further conference to organize the hearing of the application;
 - (c) refer the parties to court-based ADR or mediation;
 - (d) order a parenting assessment report under Section 32F of the *Judicature Act* or Section 19 of the *Maintenance and Custody Act*;
 - (e) require a party to present direct evidence by calling a witness rather than presenting an affidavit from the witness;
 - (f) appoint a time, date, and place for the hearing of the application;
 - (g) do anything that may aid the disposition of the proceeding.
- (4) A judge who presides at a conference that a party fails to appear may do any of the following:
- (a) make an interim or final order, such as an order for custody, access, or child support;
 - (b) order costs against the party;
 - (c) order a person who is not a party to disclose information;
 - (d) dismiss the proceeding or motion, strike a claim, response, or answer, or stay the proceeding;
 - (e) start contempt proceedings against the party.
- (5) A family court officer who presides at a conference under a designation by the Associate Chief Judge of the Family Court may recommend to a judge that the judge do anything provided in Rule 6.22(4).

Settlement conference procedure

- 6.23 (1)** A judge or a family court officer who is satisfied that holding a settlement conference may assist in resolving an issue in the proceeding may appoint a time, date, and place for a settlement conference, at any stage of a proceeding, if all of the parties agree to participate.
- (2)** A judge who is assigned to conduct a settlement conference may give directions about preparation for, and conduct of, the conference.
- (3)** A family court officer may do either of the following:
- (a)** give directions on filing requirements to the parties before a settlement conference;
 - (b)** request the judge provide directions on filing requirements and communicate the judge's directions to the parties before the conference.
- (4)** The parties must file a settlement conference brief containing all of the following, unless a family court officer or a judge directs otherwise:
- (a)** a brief statement of the relevant facts;
 - (b)** a statement of the issues to be resolved;
 - (c)** a summary of the proposals for settlement;
 - (d)** any other information that will assist the judge, including a list of any financial statement, expert report, and parenting assessment report relied on, and summarized in, the statement of facts and summary of proposals.
- (5)** An applicant must file the settlement conference brief at least ten days before the day of the settlement conference and a respondent must file the settlement conference brief at least five days before that day, unless a family court officer or judge directs otherwise.
- (6)** A judge may cancel a settlement conference and may make an order for costs against a party who, after agreeing to participate in a settlement conference, fails to comply with all of the following:
- (a)** any directions provided under Rules 6.23(2) and (3);

- (b) the filing requirements and deadline for the settlement conference brief under Rules 6.23(4) and (5);
- (c) the requirement to appear at the settlement conference at the appointed date and time.

Paternity test

6.24 A family court officer, on the consent of the parties, may make an order for a paternity test in a proceeding in which the paternity of a child is in issue, including a blood test under subsection 27(1) of the *Maintenance and Custody Act*, and a genetic test under Section 11B of the *Vital Statistics Act*.

Parent information program

6.25 (1) A party to a proceeding that involves a child must attend the court's parent information program, unless the party is exempted from attending under Rule 6.25(5).

(2) One of the following must occur before a proceeding that involves a child may be heard by a judge:

- (a) the party initiating the proceeding provides proof of attendance at the parent information program;
- (b) the party is exempted from attending under Rule 6;
- (c) a court officer or judge determines the hearing must be held so quickly that attendance in the program is not possible prior to the hearing.

(3) The following are examples of circumstances in which a hearing may be held quickly:

- (a) a party alleges that a child has been, or is likely to be, kidnapped or abducted;
- (b) a party alleges that a unilateral change in the child's physical care and custody or principal residence has occurred, or is about to occur.

(4) A party who is permitted to attend the parent information program after a hearing, because the hearing is held quickly, must arrange to attend the program as soon as possible after the hearing.

(5) A family court officer or judge may exempt a party from attending the parent information program in any of the following circumstances:

- (a) before or at the first conciliation meeting, the parties make an agreement, or agree to a consent order, settling all issues that involve a child between them;
- (b) a party starts the proceeding only to register an agreement;
- (c) the parties attended the parent information program under this Rule no more than twelve months before the day the application is filed;
- (d) other exceptional circumstances.

(6) A judge may make any of the following orders against a party who fails to attend a parent information program and does not obtain an exemption:

- (a) costs;
- (b) dismissal of a claim made by the party or allowance of a claim made against the party;
- (c) an order restricting the party's participation in a hearing;
- (d) any other order the judge considers will achieve justice in the circumstance.

3 The Rules are further amended by adding the following forms, in the form attached, immediately before Form 21.02A: Personal Representation Form, Forms FC1 to 7, Forms FCO 1 to 3 and Forms 6.02A, 6.02B, 6.02C, 6.02D, 6.11, 6.12A, 6.12B, 6.13, 6.15, 6.20 Form 6.21.

Personal Representation Form

Designated Address for Delivery of Documents

Name: _____	
Address: _____	
Postal Code	_____
Telephone numbers:	Work: _____
Cell: _____	Other: _____
File number(s): _____	
I am the: <input type="checkbox"/> Applicant <input type="checkbox"/> Respondent	

Certificate

I certify that the above address is my address for receiving court documents, and any court document sent, mailed, or delivered, to this address will be treated by the court as though I received it personally.

Date

Signature

Change of address

If my address noted above changes, I undertake to immediately notify a Family Court Officer, in writing, of my new address where I can receive documents in relation to this proceeding.

If I do not do this, I understand my application, action, response, or answer could be dismissed, or proceed in my absence, without further notice to me.

Date

Signature

PLEASE NOTE: This information on these pages will be placed in the court file.

Personal Representation

I acknowledge:

Initials

_____ I am acting on my own behalf in these legal proceedings at this time.

_____ I have been advised by Family Court staff to seek legal advice from a lawyer who is a practising member of the Nova Scotia Barristers' Society, so that I can be informed about my rights and obligations in relation to this legal proceeding.

_____ I understand that there are risks involved if I do not obtain legal advice or if I represent myself in this legal proceeding.

_____ I do not hold the Family Court staff responsible for the form or content of any of the documentation I have signed, prepared or filed as I am acting on my own behalf and I am responsible for the documentation that I have signed, prepared or filed.

_____ I understand that Family Court staff cannot provide me with legal advice.

_____ I have been provided with a list of legal services which gives me information on some of the ways in which I may be able to obtain legal advice or representation.

Family Court of Nova Scotia

Between:

Applicant

-and-

Respondent

Statement of Contact Information and Circumstances

Please complete all sections regarding your case. Please print in blue 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: Other/Previous Names:	Last Name: First Name: Middle Name: Other/Previous Names:
Gender	<input type="checkbox"/> Male <input type="checkbox"/> Female	<input type="checkbox"/> Male <input type="checkbox"/> Female
Birth Date	Day__ Month_____ Year	Day__ Month_____ Year
Telephone Email Fax	Home: Business: Message: Other: E-mail: Fax:	Home: Business: Message: Other: E-mail: Fax:
Address	P.O. Box: Apt. No.: Street: City/Town:	P.O. Box: Apt. No.: Street: City/Town:

	Province: Postal code: Special directions to accommodate service of documents:	Province: Postal code: Special directions to accommodate service of documents:
Legal Counsel	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Maybe If yes: Lawyer's Name: Firm Name: Address: Phone: E-mail: Fax:	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Maybe If yes: Lawyer's Name: Firm Name: Address: Phone: E-mail: Fax:
Current Marital Status	<input type="checkbox"/> Married <input type="checkbox"/> Separated <input type="checkbox"/> Common law relationship <input type="checkbox"/> Single	<input type="checkbox"/> Married <input type="checkbox"/> Separated <input type="checkbox"/> Common law relationship <input type="checkbox"/> Single
Income	<input type="checkbox"/> Employment Income (salary/wages) <input type="checkbox"/> Commission/Bonuses/Overtime <input type="checkbox"/> Self-employed <input type="checkbox"/> Income from a Partnership/Corporation <input type="checkbox"/> Employment Insurance <input type="checkbox"/> Social Assistance/Family Benefits <input type="checkbox"/> Workers' Compensation <input type="checkbox"/> Pension Income <input type="checkbox"/> Income from a Trust <input type="checkbox"/> Other Explain:	<input type="checkbox"/> Employment Income (salary/wages) <input type="checkbox"/> Commission/Bonuses/Overtime <input type="checkbox"/> Self-employed <input type="checkbox"/> Income from a Partnership/Corporation <input type="checkbox"/> Employment Insurance <input type="checkbox"/> Social Assistance/Family Benefits <input type="checkbox"/> Workers' Compensation <input type="checkbox"/> Pension Income <input type="checkbox"/> Income from a Trust <input type="checkbox"/> Other Explain:
Occupation	Occupation: Employer Information Name: Address: Phone Number:	Occupation: Employer Information Name: Address: Phone Number:

	E-mail: Fax: [] Other Places of Employment:	E-mail: Fax: [] Other Places of Employment:
--	--	--

Section B	Relationship Between Applicant and Respondent
<input type="checkbox"/> Married Date of Marriage: Date of Separation: <input type="checkbox"/> Common Law Date common-law relationship began: Date of Separation: <input type="checkbox"/> Single <input type="checkbox"/> Parent of Applicant's Child <input type="checkbox"/> 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)	Presently Living With:

Section D	Most Recent Court Order or Written Agreement
Most Recent Court Order (if any): Date Issued: Court: File Number: Most Recent Written Agreement (if any): Date:	

Family Court of Nova Scotia

Between:

Applicant

-and-

Respondent

Parenting Statement

Please check the box that applies to you:

I am the Applicant (the person making an application)

OR

I am the Respondent (the person responding to an application)

This matter relates to the following child or children:

Full Name (Including Middle Name)	Age	Birthdate (M/D/Y)
1) _____		
2) _____		
3) _____		
4) _____		

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 custody, access or parenting arrangements:

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

The present parenting arrangements for each child:

a) Where does each child live now?

b) What are the visiting arrangements for each child now?

The proposed parenting arrangements for each child:

a) Where do you want each child to live?

b) What visiting arrangements do you want for each child?

Reasonable access (flexible visiting rights that you both agree to)

[] Specified access (if so, give specific details including dates, times, conditions):

[] Supervised access (visiting that takes place with another adult present), if so, give specific details (who would supervise/ where and when)

[] Other terms/conditions that you would like the Court to order related to access:

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 _____ [month/day], 20__.

Signature

Full name (please print)

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

Family Court of Nova Scotia

Between:

Applicant

-and-

Respondent

Statement of Income
of _____ prepared on _____, 20__.

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

1. The following chart converts my gross income as stated on my filed or attached [pay stub/ description of document] to a monthly figure.

(If you have two income sources, use one chart for each source.)

First Income Source: [name of source]

Table with 3 columns: MY PAY PERIOD, CONVERSION FORMULA, MONTHLY INCOME. Rows include Weekly, Every second week, Twice per month, and Monthly.

Second Income Source: [name of source]

Table with 3 columns: MY PAY PERIOD, CONVERSION FORMULA, MONTHLY INCOME. Rows include Weekly and Every second week.

Twice per month	\$ _____ x 2	\$ _____
Monthly		\$ _____

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

GROSS MONTHLY INCOME		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 MAINTENANCE/SUPPORT)		
P)	Child Tax Benefit		
Q)	GST 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 the Canada Revenue Agency for the 3 most recent taxation years.

4. Attached are true copies of Notices of Assessment (or Re-Assessment) issued by the Canada Revenue Agency for each of the 3 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 2 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/professional practice (other than a partnership)] for the 3 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 is confirmation of my current income and draw from that partnership and my capital in the partnership for the 3 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 3 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 3 most recent financial statements of the trust.

I AM AN ADMINISTRATOR OR A TRUSTEE OF A TRUST

Sworn to/Affirmed before me)
on , 20)
at ,)

)
)
)
)
)

Signature of Authority

Signature of:

Print name:
Official capacity:

Family Court of Nova Scotia

Between:

Applicant

-and-

Respondent

**Statement of Special or Extraordinary Expenses
of _____ prepared on _____, 20__**

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;

(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 are:

<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:

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 _____, 20)
at _____,)
))
))
))
))
))
))

Signature of Authority
Print name:

Signature of:

Family Court of Nova Scotia

Between:

Applicant

-and-

Respondent

Statement of Undue Hardship Circumstances
of _____ prepared on _____, 20__

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 had 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 access to 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;

(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 * [year] for each of the individuals listed in paragraph 2 above.

4. Attached are true copies of the last 2 consecutive income statements (for example, pay stubs, Employment Insurance stubs, social assistance stub) or, instead, a letter from the employer (or income provider) confirming gross income year-to-date for the current year* [year] 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 or maintenance 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 or maintenance 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 _____, 20)
at _____,)
)
)
)
)

_____) _____)
_____)

Signature of Authority
Print name:
Official capacity:

) Signature of:

Family Court of Nova Scotia

Between:

Applicant

-and-

Respondent

Statement of Expenses
of _____ prepared on _____, 20__

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		
12.	Clothing		
13.	Laundry and Dry-Cleaning		
14.	Motor Vehicle:		
	(a) Payment		
	(b) Gas		
	(c) Maintenance/Repair		
	(d) Insurance, License, Registration and Inspection		
	(e) Parking and Tolls		
15.	Taxis, Public Transportation		
16.	Section 7 Child Related Expenses:		
	(a) Child Care Expenses (day-care or babysitting)		
	(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.	Child Access Costs		
20.	Hair and Grooming		
21.	Life Insurance/Medical Insurance		
22.	Drugs		
23.	Dental		
24.	Glasses		
25.	Christmas, Birthdays, Events and Gifts		
26.	Newspapers and Magazines		

27.	Charitable Donations		
28.	Holidays		
29.	Entertainment		
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 this proceeding)		
33.	Miscellaneous		
34.	Other		
35.	Other		
SUB-TOTAL			
Debt Payments:			
36.			
37.			
38.			
SUB-TOTAL			
39.	Income Source Deductions, excluding Income Tax		
	(1) CPP		
	(2) EI		
	(3) Pension		
	(4) Union Dues		
	(5) Medical Plan		
	(6) Other		
TOTAL EXPENSES			
SUMMARY			
Total Income Before Tax (from Statement of Income)			
Less: Total Expenses (from above)			

Surplus (Deficit) Before Tax		
Less: Income Tax (Attach Calculations)		
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 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 , 20)
at ,)
))
))
_____)
Signature of Authority)

Signature of:

Print name:
Official capacity:

Family Court of Nova Scotia

Between:

Applicant

-and-

Respondent

Waiver of Financial Statements

Entitlement to full disclosure

The applicant and the respondent understand that they are entitled to full disclosure of the other party's financial circumstances in accordance with the *Family Court Rules*.

Waiver

The applicant and the respondent 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 _____ [month/day], 20__.

Signature of applicant

Print name:

Signature of respondent

Print name:

Form FCO 1

20

No.

Family Court of Nova Scotia

Between:

Applicant

-and-

Respondent

Interim Order for Child Maintenance

Before [*the Honourable Judge /Family Court Officer*]:

An application was made on [month/day] , 20___, by , for an interim order for child maintenance at the table amount under the *Child Maintenance Guidelines*.

The parties have [child/children]: (provide full name of each child and birth date).

And upon it appearing that the Respondent has an income of \$ [amount] for the purpose of determining the table amount of child maintenance;

And upon the Family Court Officer/Honourable Judge being satisfied that it would be appropriate to grant an Order in accordance with Rule 6;

The following is ordered:

Payment of child maintenance

1 [name of other party] shall pay child maintenance to [name of moving party] pursuant to the *Child Maintenance 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 [month/day] , 20___.

Method of payment

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

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 10 days of the date of the change, under subsection 42(1) of the *Maintenance Enforcement Act*.

_____ 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 10 days of the date of the change, under subsection 42(2) of the *Maintenance Enforcement Act*.

Issued _____ [month/day], 20__.

Family Court Officer

(Add the following when the order is made by a Family Court Officer:

Note that when an order is made by a Family Court Officer, the Family Court Rules permit you to apply to the Family Court Officer to terminate or change the order, or appeal the order to a judge. The application must be made, or the appeal started, no more than 10 days after a copy of the order is delivered to you.)

Form FCO2

20

No.

Family Court of Nova Scotia

Between: [copy standard heading]

[name]

Applicant

-and-

[name]

Respondent

Order for a Paternity Test

Before [*the Honourable Judge/Family Court Officer*] [name or blank] :

An application was made on [month/day] , 20___, by , for an order for a paternity test.

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

On the application of [name of applicant] , the following is ordered:

Testing

1 The mother, [name] , possible father, [name] , and the dependant 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] .

Return to Family Court Officer meeting

3 The parties shall return to the courthouse at _____, [Street/Avenue], Nova Scotia, to attend a meeting with a Family Court Officer [name], at [a.m./p.m.] on [month/day], 20__.

Issued _____ [month/day], 20__.

Family Court Officer

(Add the following when the order is made by a court officer:

Note that when an order is made by a Family Court Officer, the Family Court Rules permit you to apply to the Family Court Officer to terminate or change the order, or appeal the order to a judge. The application must be made, or the appeal started, no more than 10 days after a copy of the order is delivered to you.)

Form FCO 3

20

No.

Family Court of Nova Scotia

Between:

Applicant

-and-

Respondent

Order

Before the Honourable Judge _____

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 has been established and the [*application/application and response*], and the evidence presented by [*affidavit/testimony/affidavit and testimony*], have been considered.

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

Name of Child

Date of Birth

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

Name of Child

Date of Birth

(Add the following applicable income clause(s) if child maintenance is to be paid:
[name of party paying child maintenance] *is found to have an annual income of \$* [amount] .

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

On application of [name of moving party, parties, or counsel] : the following is ordered under the [*Maintenance and Custody Act / Maintenance and Custody Act* and name of applicable legislation /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]:

Name of Child

Date of Birth

Terms for joint custody

(delete this section if “Access” section is to be ordered)

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

OR

2 The parties share care and residence for the [*child/children*] according to the following terms:

Access

(delete this section if “Terms for joint custody” section is to be ordered)

2 [name] has access to the [child/children] at the following times, and according to the following terms:

OR

2 [name] has reasonable access to the [child/children] on reasonable notice to [name] or at times agreed to by the parties.

Child maintenance payments

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

(Add the following if an amount for special or extraordinary expenses is to be paid:
In addition to the table amount, [name] must pay child maintenance to [name] in the amount of \$ [amount] each month for [her/his] 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:	%

In total, [name] must pay child maintenance 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 maintenance payments are due

4 Child maintenance payments are due on the first day of each month starting on [month/day] , 20____.

OR

(provide payment schedule, for example, weekly, bi-weekly, or twice per month on specified dates)

Child maintenance through health plan

5 [name] must [continue/acquire and continue] medical, dental and drug plan coverage for the [child/children] available through [his/her] 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 maintenance

6 No later than June 1st of each year, both parties must provide each other with a copy of his or her 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.

Spousal maintenance

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

OR

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

When spousal maintenance payments are due

(delete this section if neither party is to pay spousal maintenance)

8 Spousal maintenance payments are due on the first day of each month starting on [month/day] , 20__.

OR

(provide payment schedule, for example, weekly, bi-weekly, or twice per month on specified dates)

Director of Maintenance Enforcement

(delete this section if neither party is to pay maintenance)

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

The payments must be sent by [name of party paying maintenance] 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 Family 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 10 days of the date of the change, under subsection 42(1) of the *Maintenance Enforcement Act*.

[name of party paying maintenance] 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 10 days of the date of the change, under subsection 42(2) of the *Maintenance Enforcement Act*.

Enforcement

10 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.

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.

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 _____ [month/day], 20__.

Family Court Officer

Family Court of Nova Scotia

Between:

Applicant

-and-

Respondent

Notice of Application

To:

The applicant requests an order

The applicant, [name of applicant] is applying for an order for the following

- under the *Maintenance and Custody Act*, including the following Section numbers as referenced:
 - custody (s. 18) leave to apply (s. 18)
 - access (s. 18) leave to apply (s. 18)
 - child maintenance involving married parents (s. 9)
 - child maintenance involving unmarried parents and finding of paternity (s. 11)
 - spousal maintenance (s. 3)
 - a blood test under subsection 27(1) of the *Maintenance and Custody Act*, and a genetic test under Section 11B of the *Vital Statistics Act*
 - registration of agreement (s. 52)
- costs
- other _____

The applicant started this application by filing this notice on the date certified by the Family Court Officer.

Documents in support of application

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

- 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
- affidavit of [name]
- other affidavits and documents (give specifics)

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

Response to application

To respond to the application, or to make your own application, you or your counsel may file a response application. A judge or Family Court Officer will direct you regarding the deadline for filing a response to application that you want to file.

Required to file documents

There are requirements in the *Family Court Rules* for parties to file documents and these requirements depend on the type of relief sought. A judge or Family Court Officer may direct you to file documents and provide information by a specific date in response to this application.

Possible order against you

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

Filing documents

Any documents you file with the court must be filed at the courthouse at _____, Nova Scotia, _____.
Telephone: _____

Designated address for service

The applicant designates the following address for delivery of documents:

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

Signature

Signed _____ [month/day], 20__.

Signature of applicant
Print name:

OR

Signature of counsel
as counsel for:

Family Court Officer's Certificate

I certify that this notice of application was filed with the court on _____ [month/day], 20__.

Family Court Officer

For delivery with supporting documents to each respondent:

Family Court of Nova Scotia

Between:

Applicant

-and-

Respondent

Notice of Variation Application

To:

The applicant requests an order be varied

The applicant, [name of applicant], is applying to vary or change an order which is permitted by Section 37 of the *Maintenance and Custody Act*.

The changes would affect the following order or orders:

The requested changes concern the following:

- custody
- access
- child maintenance:
 - table amount
 - special expenses or extraordinary expenses
 - change in number of dependent children
 - other (give specifics)
- spousal maintenance (give specifics)
- other (give specifics)

- As part of the variation application, the applicant applies under Sections 15 and 46 of the *Maintenance Enforcement Act* for an order addressing arrears of support or maintenance.

The applicant requests that the changes take effect: [date]

The applicant started this variation application by filing this notice on the date certified by the Family Court Officer.

Documents in support of application

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

- 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
- affidavit of _____, _____, which includes evidence establishing change in circumstances
- other affidavits and documents (give specifics)
- order made by another court that the applicant seeks to vary:
certified copies

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

Response to variation application

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

Required to file documents

There are requirements in the *Family Court Rules* for parties to file documents and these requirements depend on the type of relief sought. A judge or Family Court Officer may direct you to file documents and provide information by a specific date in response to this application.

Possible order against you

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

Filing document

Any documents you file with the court must be filed at the courthouse at _____, Nova Scotia, _____.
Telephone: _____

Designated address for service

The applicant designates the following address for delivery of documents:

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

Signature

Signed _____ [month/day], 20__.

Signature of applicant
Print name:

OR

Signature of counsel
as counsel for:

Family Court Officer’s Certificate

I certify that this notice of variation application was filed with the court on [month/day], 20__.

Family Court Officer

For delivery with supporting documents to each respondent:

Family Court of Nova Scotia

Between:

Applicant

-and-

Respondent

Response to Application

To:

The respondent requests an order

The respondent, _____ is applying for an order for the following:

under the *Maintenance and Custody Act*, including the following Section numbers as referenced:

custody (s. 18)

leave to apply (s. 18)

access (s. 18)

leave to apply (s. 18)

child maintenance involving married parents (s. 9)

child maintenance involving unmarried parents and finding of paternity (s. 11)

spousal maintenance (s. 3)

a blood test under subsection 27(1) of the *Maintenance and Custody Act*, and a genetic test under Section 11B of the *Vital Statistics Act*

registration of agreement (s. 52)

costs

other (give specifics, including legislation or other legal authority for relief sought)

Documents in support of application

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

- 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
- affidavit of [name]
- other affidavits and documents (give specifics)

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

Designated address for service

The respondent designates the following address for delivery of documents:

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

Signature

Signed _____ [month/day], 20__.

 Signature of respondent
 Print name:

OR

 Signature of counsel
 as counsel for:

For delivery with supporting documents to each applicant:
 [full name and address of each applicant]

Family Court of Nova Scotia

Between:

Applicant

-and-

Respondent

Response to Variation Application

To:

The respondent requests an order be varied

The respondent, [name of respondent] is applying to vary or change an order which is permitted by Section 37 of the *Maintenance and Custody Act*.

The changes would affect the following order or orders:

The requested changes concern the following:

- custody
- access
- child maintenance:
 - table amount
 - special expenses or extraordinary expenses
 - change in number of dependent children
 - other (give specifics)
- spousal maintenance
- other (give specifics)
- As part of the variation application, the applicant applies under Sections 15 and 46 of the *Maintenance Enforcement Act* for an order addressing arrears of support or maintenance.

The respondent requests that the changes take effect: [date]

Documents in support of application

The respondent files the following documents in support of the application:

- 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
- affidavit of [name] , which includes evidence establishing change in
- other affidavits and documents (give specifics)

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

Designated address for service

The respondent designates the following address for delivery of documents:

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

Signature

Signed _____ [month/day], 20__.

Signature of respondent
Print name:

OR

Signature of counsel
as counsel for:

For delivery with supporting documents to each applicant:
[full name and address of each applicant]

Family Court of Nova Scotia

Between:

Applicant

-and-

Respondent

Direction to Disclose

To:

You must complete and file the following documents:

- a parenting statement;
- a sworn statement of income, including all of the following attachments:
 - (a) copies of your last 2 consecutive income statements (for example, pay stubs, Employment Insurance stubs, social assistance stubs) or a letter from your employer or income provider stating your gross income so far this year;
 - (b) copies of all notices of assessment from Canada Revenue Agency for [20__, 20__, and 20__], the last 3 years;
(You can obtain copies from the Canada Revenue Agency by calling 1-800-959-8281 or going online at www.cra.gc.ca/myaccount.)
 - (c) copies of all income tax returns, whether filed with the Canada Revenue Agency or not, completed with all schedules, attachments, and information slips (also available from the Canada Revenue Agency), for [20__, 20__, and 20__], the last 3 years;
 - (d) if you are self-employed, or a member of a partnership, or a trustee, administrator or beneficiary of a trust, or you control a corporation, a statement of income, and you must comply with the directions in the statement of income;
 - (e) if you are unable to provide the applicable attachments listed from (a) to (d), a letter detailing why you cannot provide them;
- if you intend to make a claim for special or extraordinary expenses, a sworn statement of special or extraordinary expenses;

- if you intend to make a claim of undue hardship, a sworn statement of undue hardship circumstances;
- a sworn statement of expenses;
- a sworn statement of property;
- other (give specifics).

Deadline for filing documents

[Bring these documents with you to the meeting scheduled to be held at _____ [a.m./p.m.] on [month/day], 20____, at _____ . / Mail or deliver the documents to the court at the courthouse at _____, Nova Scotia, (telephone: _____) no later than _____, 20____.]

Copies for other parties

[Also, bring two copies of each required statement, including attachments, with you to the conciliation meeting. / Mail or deliver a copy of each statement, including attachments, to [name] at [designated address/updated address] at the same time you mail or deliver it to the court.]

Possible order against you if you do not disclose as required

If you fail to disclose at the required time, a Family Court Officer may:

- (1) make an interim order for child maintenance;
- (2) dismiss an application, or claim, or any part of it, or stay a proceeding started by you.

In addition, a judge may make an order for costs against you.

Legal counsel

You have the right to be represented by counsel and it is recommended that you seek legal advice as soon as possible.

Issued: _____ [month/day], 20____.

Family Court Officer
telephone:
fax:

Family Court of Nova Scotia

Between:

Applicant

-and-

Respondent

Order to Appear and Disclose

Before:

A _____ was mailed to you on [month/day] , 20__;

And you, [name] , failed to appear/disclose as directed;

You must appear in court

You are ordered to come to the courthouse at _____, Nova Scotia and appear before [a judge/a Family Court Officer] at [a.m./p.m.] on [month/day] , 20__.

You must bring documents

You are also ordered to bring with you 3 copies of each of the following:

- [] a parenting statement;
- [] a sworn statement of income, including all of the following attachments:
 - (a) copies of your last 2 consecutive income statements (for example, pay stubs, Employment Insurance stubs, social assistance stubs) or a letter from your employer or income provider stating your gross income so far this year;
 - (b) copies of all notices of assessment from Canada Revenue Agency for [20__, 20__, and 20__], the last 3 years;
(You can obtain copies from the Canada Revenue Agency by calling 1-800-959-8281 or going online at www.cra.gc.ca/myaccount.)

- (c) copies of all income tax returns, whether filed with the Canada Revenue Agency or not, completed with all schedules, attachments, and information slips (also available from the Canada Revenue Agency), for [20__, 20__, and 20__], the last 3 years;
 - (d) if you are self-employed, or a member of a partnership, or a trustee, administrator or beneficiary of a trust, or you control a corporation, a statement of income, and you must comply with the directions in the statement of income;
 - (e) if you are unable to provide the applicable attachments listed from (a) to (d), a letter detailing why you cannot provide them;
- a sworn statement of special or extraordinary expenses;
 - a sworn statement of undue hardship circumstances;
 - a sworn statement of expenses;
 - a sworn statement of property;
 - other (give specifics).

Possible order against you if you fail to obey

If you fail to obey this order, a judge or Family Court Officer may do any of the following without further notice to you:

- (1) make an order directing a person, such as your employer, to disclose financial or other information about you;
- (2) dismiss an application or claim, or any part of it, or stay a proceeding started by you;
- (3) make an interim order for child maintenance;
- (4) make any other interim order, including an order for spousal maintenance, or any other order sought;

In addition, a judge may:

- (1) make a final order for custody, access, or about parenting;
- (2) make a final order for child maintenance;

- (3) make any other interim or final order, including an order for spousal maintenance, or any other order sought;
- (4) make an order for costs against you;
- (5) make an order for contempt against you.

Issued: _____ [month/day], 20__.

Family Court Officer
telephone:
fax:

(Add the following when order made by Family Court Officer:
Note that when an order is made by a Family Court Officer, the Family Court Rules permit you, or your counsel, to apply to the Family Court Officer to terminate or change the order, or appeal the order to a judge. The application must be made, or the appeal started, no more than 10 days after a copy of the order is delivered to you.)

Family Court of Nova Scotia

Between:

Applicant

-and-

Respondent

Order to Disclose

Before:

A direction to disclose was mailed to you on [month/day] , 20 ;

And you, [name] , failed to disclose as directed;

You must file documents

You are ordered to file 3 copies of each of the following:

- [] a parenting statement;
- [] a sworn statement of income, including all of the following attachments:
 - (a) copies of your last 2 consecutive income statements (for example, pay stubs, Employment Insurance stubs, social assistance stubs) or a letter from your employer or income provider stating your gross income so far this year;
 - (b) copies of all notices of assessment from Canada Revenue Agency for [20__, 20__, and 20__], the last 3 years;
(You can obtain copies from the Canada Revenue Agency by calling 1-800-959-8281 or going online at www.cra.gc.ca/myaccount.)
 - (c) copies of all income tax returns, whether filed with the Canada Revenue Agency or not, completed with all schedules, attachments, and information slips (also available from the Canada Revenue Agency), for [20__, 20__, and 20__], the last 3 years;

- (d) if you are self-employed, or a member of a partnership, or a trustee, administrator or beneficiary of a trust, or you control a corporation, a statement of income, and you must comply with the directions in the statement of income;
- (e) if you are unable to provide the applicable attachments listed from (a) to (d), a letter detailing why you cannot provide them;
- a sworn statement of special or extraordinary expenses;
- a sworn statement of undue hardship circumstances;
- a sworn statement of expenses;
- a sworn statement of property;
- other (give specifics).

Filing documents instead of appearing in court

You may file all of the information listed above with the court no later than [month/day] , 20___, to avoid the need to appear in court.

Otherwise, you are ordered to come to the courthouse at _____, Nova Scotia and appear before _____ at _____ [a.m./p.m.] on [month/day] , 20___.

Possible order against you if you fail to obey

If you fail to obey this order, a judge or Family Court Officer may do any of the following without further notice to you:

- (1) make an order directing a person, such as your employer, to disclose financial or other information about you;
- (2) dismiss an application or claim, or any part of it, or stay a proceeding started by you;
- (3) make an interim order for child maintenance;
- (4) make any other interim order, including an order for spousal maintenance, or any other order sought;

In addition, a judge may:

- (1) make a final order for custody, access, or about parenting;
- (2) make a final order for child maintenance;
- (3) make any other interim or final order, including an order for spousal maintenance, or any other order sought;
- (4) make an order for costs against you;
- (5) make an order for contempt against you.

Issued: _____ [month/day], 20__.

Family Court Officer
telephone:
fax:

(Add the following when order made by Family Court Officer:

Note that when an order is made by a Family Court Officer, the Family Court Rules permit you, or your counsel, to apply to the Family Court Officer to terminate or change the order, or appeal the order to a judge. The application must be made, or the appeal started, no more than 10 days after a copy of the order is delivered to you.)

Family Court of Nova Scotia

Between:

Applicant

-and-

Respondent

Order for Disclosure by a Non-party

Before [*Family Court Officer* name /*The Honourable Judge* name]:

The [*Applicant/Respondent*], [name], has made an Application for an order [briefly describe the relief sought in the main application].

The [*Respondent/Applicant*], [name of party who has failed to make disclosure], after being personally served with an order to do so, failed to file required financial statements or supporting documents before the deadlines in the order.

The [*Applicant/Respondent*], has shown that [name of non-party] is [describe nature of relationship of the non-party to the party who has failed to make disclosure].

It appears that [name of non-party] has relevant information about [name of party who has failed to make disclosure].

It is ordered under *Family Court Rule* 6.14 as follows:

- 1 [name of non-party] is to provide the following information concerning the [name of party who has failed to make disclosure] no more than [15/ other number] days after the day a copy of this order is delivered to [name of non-party]:
 - (a) [details of required information and how it is to be disclosed];
 - (b)

2 A copy of this order is to be served personally to [name of non-party] by providing it to [name and office] at [address] .

Issued: _____ [month/day], 20__.

Family Court Officer
telephone:
fax:

(Add the following when order made by Family Court Officer:

Note that when an order is made by a Family Court Officer, the Family Court Rules permit you, or your counsel, or anyone affected by the order, to apply to the Family Court Officer to terminate or change the order, or make an application for a review of the order by a judge. The application must be made no more than 10 days after a copy of the order is delivered to you.)

Family Court of Nova Scotia

Between:

Applicant

-and-

Respondent

Direction to Appear

To:

You must appear in court

You are required to appear before a court officer of the Family Court for a court-based assisted dispute resolution (court-based ADR) meeting.

Time and place

The court-based ADR meeting will occur on _____ at _____, at the courthouse located at _____, Nova Scotia.

Disclosure and court-based ADR

When you appear, you and the [*respondent/applicant*] will each be required to make full disclosure as required by the court of the relevant parenting and financial information, and to take part in discussions, which may include negotiations, to clarify and try to resolve the issues.

Legal counsel

You have the right to be represented by counsel and it is recommended that you seek legal advice as soon as possible.

Issued: _____ [month/day], 20__.

Family Court Officer
telephone:
fax:

Form 6.20

20

No.

Family Court of Nova Scotia

Between:

Applicant

-and-

Respondent

Court-Based ADR Record

1. Issues in proceeding

The Applicant raises the following issues:

The Respondent raises the following issues:

(see section 7 – Issues to be Resolved)

2. Steps taken

Application and Intake filed on [month/day] , 20__.

Referral to Parent Information: Applicant on [month/day] , 20__.

Respondent on [month/day] , 20__.

Attendance at Parent Information: Applicant on [month/day] , 20__.

Respondent on [month/day] , 20__.

Meetings: [date or dates, and names of parties participating]

3. Documents filed

By the Applicant: (list forms and documents filed, for example
notice of application filed on [month/day] , 20__.
parenting statement filed on [month/day] , 20__.
statement of income filed on [month/day] , 20__)

By the Respondent: (list forms and documents filed, for example
response to application filed on [month/day] , 20__.
parenting statement filed on [month/day] , 20__.
statement of income filed on [month/day] , 20__.)

4. Orders and written agreements

(list documents, for example
consent order respecting custody and access, issued on [month/day] , 20__.
interim order for child support, issued on [month/day] , 20__.
order to disclose to [name] , by Family Court Officer, issued on [month/day] ,
20__.)

5. Representation by counsel

Applicant:

Respondent:

6. Subjects never disputed or now agreed

(see section 7 – Issues to be resolved)

7. Issues to be resolved (delete any that do not apply)

- custody/access/parenting
 - custody: custody to one party or joint custody
 - custodial or residential parent
 - access or contact
 - paternity
 - relocation
 - other [detail]
- child maintenance
 - paternity
 - determination of income

- special or extraordinary expenses
- undue hardship
- shared custody
- child 19 or over
- person in place of a parent
- retroactive claim [detail]
- other [detail]
- spousal maintenance
 - entitlement or need
 - ability to pay
 - amount
 - other [detail]
- other [detail]

8. Next steps taken by Family Court Officer or recommended

- provide draft consent order for approval
- refer to mediation
- order to non-party to disclose information
- interim order for child maintenance
- recommend that order for child maintenance be varied
- schedule a conference before a judge
- recommend that a parenting assessment report be prepared
- schedule a hearing before a judge
- other _____

Court-based ADR record as evidence

This court-based ADR record may be considered as evidence by the judge, subject to an objection to any part of the court-based ADR record, filed by a party or counsel no more than two days after the day a copy of this record is delivered to the party.

Issued: _____ [month/day] , 20____.

Family Court Officer
telephone:
fax:

To:

Form 6.21

20

No.

Family Court of Nova Scotia

Between:

Applicant

-and-

Respondent

Notice to Appear in Court

You must appear in court

You must appear in court at the courthouse at _____, Nova Scotia and appear before
on [month/day] , 20____, at [a.m./p.m.] for a [conference/hearing/trial].

[Specify amount of time] has been set aside for the [conference/hearing/trial].

Legal counsel

You have the right to be represented by counsel and it is recommended that you seek legal advice as soon as possible.

Possible order against you if you fail to obey

If you fail to obey this order, a judge or Family Court Officer may do any of the following without further notice to you:

- (1) make an order directing a person, such as your employer, to disclose financial or other information about you;
- (2) dismiss an application or claim, or any part of it, or stay a proceeding started by you;
- (3) make an interim order for child maintenance;
- (4) make any other interim order, including an order for spousal maintenance, or any other order sought;

In addition, a judge may:

- (1) make a final order for custody, access, or about parenting;
- (2) make a final order for child maintenance;
- (3) make any other interim or final order, including an order for spousal maintenance, or any other order sought;
- (4) make an order for costs against you;
- (5) make an order for contempt against you.

Issued: _____ [month/day] , 20__.

Family Court Officer
telephone:
fax:

To: