

Kit #4

Inter-jurisdictional Variation of Support

Self-Help Kit*

(Where Provisional Order Required)

You can use this kit to apply for a variation of a support order when the opposing party resides outside Saskatchewan, in a situation where a provisional order is required.

If you have any questions, please feel free to contact:

Family Law Information Centre

1-888-218-2822 (extension 2)

(306) 787-5837

svp@gov.sk.ca

*This self-help kit is not a substitute for professional legal advice. It does not address all possible situations nor does it cover all areas of applicable legislation. You use this kit entirely at your own risk. The legal process can be complicated and *it is recommended that you consult with a lawyer* before filing any documents and proceeding to court.

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I. Is this Kit for Me?

Will it help me change support?

Support payments are made from one person to another for their support or for the support of their children. In Saskatchewan, court orders for support are made under the authority of either *The Divorce Act* or *The Family Maintenance Act, 1997*. Your court order may or may not specify which of these two pieces of legislation was used. However, people who were never married will always fall under *The Family Maintenance Act, 1997*.

If you would like to read these Acts, you can find them here:

Family Maintenance Act: <http://www.publications.gov.sk.ca/freelaw/documents/English/Statutes/Statutes/F6-2.pdf>

Divorce Act: <http://laws.justice.gc.ca/PDF/D-3.4.pdf>

If your court order was made in a different province, or in a different country, the legislation used may be different.

This kit is intended for variation of a support order where a provisional order is required. There are several situations where a provisional order will be required:

- 1) The existing order was made pursuant to *the Divorce Act* and the opposing party now resides in a different province;
- 2) The existing order was made pursuant to provincial legislation, and the opposing party now resides in foreign jurisdiction where a provisional order is required. (e.g. Quebec, United Kingdom, Australia, or New Zealand)

If this does not apply to you, you may need a different kit. To check whether your order was made under the *Divorce Act*, you will need to check your existing order. Generally, if you were previously or still married to the other party, then there is a good chance that the support order was made under the *Divorce Act*.

You will need to obtain a copy of your court order as a part of this process. Your court order may indicate which legislation was used to make the order. If your order does not state this information, you can also check the court file at the court house where the order was made.

This kit is designed to help a person who is either paying or receiving support or maintenance to change the amount of support being paid. You can use it to change child support or spousal support. You can only ask the court for a change or “variation” if there has been a material change in circumstances since the previous order was made.

To use this kit, the other person must reside outside Saskatchewan.

What can I ask for?

A person can request from the court any of a number of different orders, including but not limited to:

- a) change in monthly amount of support;
- b) change in the amount of the arrears that are outstanding;
- c) termination of the ongoing support.

Do I need a Lawyer?

You have the right to proceed without a lawyer. However, you need to know that the judge will assess your application in the same manner, whether you prepared it, or whether it was prepared by a lawyer. Do not expect any special or different treatment because you don't have a lawyer.

If you want to find a lawyer:

- Check the yellow pages listings in the telephone book; or
- Speak to family or friends for recommendations.

If you are a low income earner or do not earn any income at all, you may qualify for Legal Aid. Consult the blue pages of your telephone book for the Saskatchewan Legal Aid Commission office nearest you.

Even if you decide not to hire a lawyer to represent you in court, it is still a good idea to consult a lawyer before you use this kit. A lawyer can advise you about the law, help you evaluate your chances of success and tell you what the cost of the court application would be if you decided to hire a lawyer. The lawyer will likely charge you for their advice.

If you decide to represent yourself in court, it is your responsibility to be familiar with the *Court of Queen's Bench Rules of Saskatchewan* as well as any relevant legislation. You can find this information at the Publications Saskatchewan website:

<http://www.publications.gov.sk.ca/freelaw/>

You cannot rely on this kit to provide you with legal advice. You use this kit at your own risk.

What are the Child Support Guidelines?

The *Child Support Guidelines* are rules that the court must follow when deciding how much child support to order. The *Child Support Guidelines* include tables that are used to figure out a child support amount. The child support amount is generally based on:

- income of the party paying support;
- province where the paying party resides;
- the number of children for whom child support is paid.

An online *Child Support Guidelines Table* look-up can be found here:
<http://www.justice.gc.ca/eng/fl-df/child-enfant/2017/look-rech.asp>

If the opposing party resides in a foreign international jurisdiction, the court there may use a different formula to calculate support payments. Normally, the courts will assess support payments based on the laws in the jurisdiction where the payor lives.

What are the Spousal Support Advisory Guidelines?

The Spousal Support Advisory Guidelines set out formulas for arriving at spousal support figures in situations where there are, and where there are not, child support figures to factor in. Unlike the Child Support Guidelines, the Spousal Support Guidelines are not mandatory. They are not law. Therefore, a judge does not have to follow them in every situation. The Spousal Support Advisory Guidelines can be found on the Department of Justice Canada website here:

<http://www.justice.gc.ca/eng/fl-df/spousal-epoux/ssag-ldfpae.html>

II. What do I need to do?

What court documents do I have to prepare?

To prepare for the court application, you must complete the documents contained in this kit. You should make photocopies of these forms so that you have one copy to use for your rough draft and another that will be your good copy. You must complete the following documents:

- Application without Notice for a Provisional Variation Order;
- Affidavit;
- Financial Statement;
- Draft Provisional Order;
- Statement of Identity.

You can fill out the forms in pen, or complete these forms electronically by typing your information into the form templates. If you wish to obtain an electronic copy of the kit, we can e-mail one to you. The documents must be neat so that the Court and the other party can read them.

What do I put in each of the documents?

Let's go through these documents one at a time. You should keep in mind that these documents will take you a lot of time to complete. You will probably not be able to complete these documents in one sitting. Do not get frustrated. Read the instructions carefully and do your best. *Please remember that the court staff cannot complete these documents for you.*

1) Application without Notice for Provisional Variation

An Application without Notice for Provisional Variation is a document that lets the court know what kind of court order or judgment you are asking to change and what change you think should be made. You are asking for a provisional order, because your situation requires a special two-step process. The Saskatchewan judge will grant a provisional (temporary) order after reviewing your evidence. A judge in the other jurisdiction will then take evidence from the other party, and then make a final order.

Before you begin to prepare this document, you should have a certified copy of the court order or judgment setting the current amount of support. If you do not have a certified copy of the order or judgment, you can get one from the court where your order or judgment was made. The court will charge you for this.

At the top of the first page of the form, the first thing you need to write down is the “file number”. This is your Saskatchewan Court of Queen’s Bench File number that will be at the top of any existing Saskatchewan court documents. If you have never filed any documents previously in Saskatchewan, leave this line blank. You will be given a file number when you file this application. The next thing you have to write down is the “Judicial Centre”. The Judicial Centre is the city where you are filing your application. Next, fill in the names of the Applicant and Respondent. You are the Applicant and the other party is the Respondent.

In the next section, you must indicate the law that authorizes you to apply for a court order without notice to the other party. If your existing order was made pursuant to *the Divorce Act*, then you will select the first option. If your existing order was made pursuant to provincial legislation, then you will select the second option. In both cases, you will also select the third option, being the Rule that authorizes both applications.

In the next paragraph, you are letting the court know about the current court order or judgment that you wish to change. You are providing the court with the previous judge’s name, the date that the previous judge made the order, and the location of the court where the order was made. You can get this information by looking at the current court order or judgment. You will also outline the terms of the new order you are seeking (e.g. when the new order will take effect, whether you want the arrears adjusted). If you do not know exactly what to request because you do not have financial information from the other party, you can still request a provisional order based on your guess as to what you feel is an appropriate new order. The court in the other jurisdiction will have an opportunity to modify the provisional order after reviewing the other party’s material.

If the opposing party is currently represented by a lawyer, you will have to indicate that information to the court in the next section

For the section dealing with Applicable Acts and Regulations, select the law under which you are making this application. This should be consistent with the previous order and the your previous selections.

In the section that asks you for Applicable cases, you have the choice to research past court decisions to see if there are certain past cases which may be used to persuade the court to grant you the order you are seeking. This is optional. You can research past reported decisions here:

<http://canlii.org/>

Finally, sign and date your Application form, and fill out your contact information.

2) Affidavit

The next court document that you need to complete is called an affidavit. The affidavit is the document that contains written facts that you swear are true. These are facts supporting your request for a court order varying support.

The Affidavit document is very important. This is the only way that the court will receive factual evidence from you. You will not be permitted to present any additional facts at a later date, unless specifically requested to do so by a judge.

The facts in the affidavit are set out in a series of numbered paragraphs. Each paragraph should contain sentences about a single topic. The affidavit is clearer and easier for the judge to read if each paragraph contains a single topic. This will also make it easier to present your case in court, as you will be able to refer to specific paragraphs in your argument.

What information do I include in my affidavit?

Your affidavit can only include facts that you personally know to be true. In your affidavit, you can state what the other party has told you. However, you should not include information that has been told to you by someone else. In special circumstances, you can state what you learned from someone else if you say in your affidavit: who told you; that you believe the information is true; and why you need to use the information learned from someone else. It is a better idea to ask that person to complete their own affidavit. You can provide more than one affidavit to the court. That is, you can provide an affidavit and you can gather affidavits from other individuals who you believe have information that would be important for the court to know. Your affidavit can generally be as long and contain as much detail as you want. However, you should only include facts and details that relate to what you are asking the court to give you. That is, you should only provide the court with relevant information.

At Rule 15-20 in the Rules of Court, it states what type of information can be included in affidavits. You can find the Rules of Court here:

<http://www.publications.gov.sk.ca/freelaw/documents/English/QBRules/25QBRules-Parts1-18.pdf>

If your affidavit contains improper information, those portions can be struck out.

Your affidavit should include, at minimum, facts that outline the history of the events leading up to the court application. It is very important to be able to show the court that there has been a material change in circumstances since the previous order was made. If you cannot show a change since the last order, your application will likely be dismissed. Remember, if there are facts that you would like the judge to consider, they must be included in your affidavit.

You should think carefully about what kind of information the judge would need in order to assess the situation properly.

How do I include documents in the affidavit?

You may have documents that you would like the court to see. For example, documents relating to changes in income, or receipts from past expenses for the child. You can attach this type of document to your affidavit. The document will be known as an “exhibit”. There are special rules for exhibits.

In the body of the affidavit, you must state that a document is attached to the affidavit as an exhibit. Each exhibit is labeled with a letter of the alphabet. The first exhibit attached is called “Exhibit A”, the next exhibit is “Exhibit B”, the next exhibit is “Exhibit C”, and so on. For example, one of the paragraphs in your affidavit might read:

“15. Attached to my affidavit and marked as exhibit “A” is a copy of my E.I. cheque stub for the period dated November 1, 2012 to November 15, 2012.”

You must also label the actual document so that the judge can identify which exhibit is which. There is a special way to label the document. On each exhibit, you need to type or write the following words:

This is Exhibit “___” referred to in the
Affidavit of _____ sworn before me
this ____ day of _____, 201__.

A Commissioner for Oaths
In and for the Province of Saskatchewan
My Commission Expires _____
Being a Solicitor

Do I have to sign my affidavit and find someone to witness my signature?

Yes. You must sign your affidavit in front of a Commissioner for Oaths. Before you sign your affidavit in front of a Commissioner for Oaths, the Commissioner for Oaths will ask you whether or not you swear or affirm the contents of your affidavit to be true. There are Commissioners for Oaths at the Local Registrar's office at the court and you may swear your completed affidavit in front of them. This service is free. You can also find Commissioners for Oaths in the yellow pages of the telephone book and in some businesses like banks, insurance agencies, and law offices. You will likely have to pay for this service.

Do not forget to point out exhibits to the Commissioner for Oaths. They will have to sign the special labels you typed or wrote on each one.

Do I need to attach the current Court Order or Judgment to my Affidavit as an exhibit?

This kit is meant for applications for variation where the opposing party resides outside Saskatchewan. Your current court order may already be on the court's file here in Saskatchewan. If so, you do not need to include it as an exhibit. However, you should state in your affidavit that the court order or judgment exists and confirm the fact that it is on the court file. If your order was made outside Saskatchewan, then you will have to obtain a certified copy of that order and attach it as an exhibit, following the rules outlined above. You may need to contact the court location where your existing order was made, in order to obtain a certified copy of your order. They will likely charge you a fee for this service.

You will need to include a certified copy of your existing order as an exhibit, unless it is already on the court file.

3) Financial Statement

The court will need to see your financial information if you are:

- paying child or spousal support;
- receiving spousal support;
- requesting extra child support to cover "section 7" expenses; or
- either party makes a claim for undue hardship.

A form for this document is attached to the back of this kit. Look the financial statement over before you begin filling it out. You may not need to complete all six parts. Read the instructions on the Financial Statement carefully as you go along.

Start by completing the top of the first page of the Financial Statement in the same manner as the previous forms. Fill in the rest of the information on the first page of the Financial Statement. If you are not yet sure which parts you will need to complete, read the instructions below. When the form is completely finished, you will need to sign your financial statement in front of a Commissioner for Oaths.

Do not sign your Financial Statement until you have completely finished the Financial Statement and you are in front of a Commissioner for Oaths.

The second page of the Financial Statement only needs to be completed if pursuant to the *Indian Act* of Canada that because of your status, your income is tax exempt and you are not required to file an income tax return, and have therefore not filed an income tax return for the last three years.

Complete Part 1 of the Financial Statement. This is three pages long. Most of the categories on these three pages will not apply to everyone. It is very common that most people will have blanks left for most of the categories of income, and the various adjustments. Do not forget to attach the financial information requested in Section 3 of Part 1. (i.e. personal income tax returns). It is usually acceptable to attach your Notices of Assessment or Reassessment that is provided to you after you file your income tax return. In some situations, the court will require a complete copy of your tax returns as filed with Canada Revenue Agency.

Complete Part 2 of the Financial Statement. This section outlines your annual expenses. Give your best estimate of each expense for a one year period. You can take your average monthly expense in a particular category and multiply that amount by 12 to obtain your estimated annual expense.

Not everyone will complete Parts 3, 4, 5, and 6. If you are claiming reimbursement for any child care expenses, medical/dental expenses, or extracurricular activity expenses, list them in Part 3.

If you are making a claim for an amount of support different from that in the Child Support Guideline tables because that level of support would cause undue hardship, then complete Parts 4 and 5.

Part 6 is not required, unless ordered by a judge. As such, we have not included this section in this kit.

Any parts that are not applicable can be removed from the kit prior to filing the Financial Statement.

Now, when the form is completely finished, you will need to go back to the first page of the document and sign your Financial Statement in front of a Commissioner for Oaths who will ask you to swear or attest to the truth of the information you have provided in the financial statement. The Commissioner for Oaths will fill in the section to the left of the space for your signature.

Some of the staff at the Local Registrar's Office are Commissioners for Oaths and you may swear or affirm your completed affidavit before them. This service is free. Remember to bring photo ID for this service.

4) Draft Provisional Order

You will need to complete the draft copy of the court order you are seeking. Fill out top of the first page with the same information as the other documents.

In the next section, leave then name of the judge and the date of the order blank. The court will provide you with this information later.

Fill in the details surrounding the previous court order, taking this information from your copy of the previous order. Then write in the terms of the new order you are seeking in paragraphs 2 to 5. Leave Paragraph 6, as it is a standard clause that is required in the order.

Fill in your contact information at the bottom of the draft order.

5) Statement of Identification

You will also need to provide as some information concerning the Respondent in this document. Fill this in to the best of your ability. If you do not know the information, it is acceptable to write or type “Unknown”.

Finally, you must sign your Statement of Identification in front of a Commissioner for Oaths, in the same manner as when you signed your Affidavit and Financial Statement.

I have completed all of the documents/forms. Now what do I do?

Once you have completed all the forms, you will need to file them with the court.

You must file a copy of all of the documents at the Local Registrar’s Office at any Court of Queen’s Bench location. You should keep a second copy of all of the documents for your records.

The court house will charge you a fee for filing your application. If a Petition has never been filed at the Saskatchewan Court of Queen’s Bench location, the filing fee will be \$200 to open a new file. If the original support order was previously made at the court location where you are filing your application for variation, then the cost will be \$20 for filing your documents. You must pay the filing fee up front, by cash or bank draft only.

III. The Court Process

You must go to the Local Registrar's Office at the Court of Queen's Bench to file the documents you have prepared.

A judge will review your documents some time after you submit them. You will not have an opportunity to speak to the judge. It is important that your Affidavit and Financial Statement contain all the evidence you wish for the judge to consider. You may need to check back with the Local Registrar the next day to see if the Provisional Order has been approved.

If the provisional order has been approved exactly as you prepared the draft order, you will need to pay \$20 to have the order issued. If the judge has made a decision that requires adjustments to the draft order, then you will need to prepare a new provisional order that reflects those changes. Then you will take the new order to the Local Registrar's office, along with \$20, to have the order issued.

Once the order is issued, the court will keep one copy and you should keep one copy for your records. The court will send transcripts of the proceedings and/or a certified copy of the pleadings to the Inter-jurisdictional Support Orders (ISO) Unit. You should remind the staff at the Local Registrar's Office that they will need to send the issued Provisional Order to the ISO Unit. This is an office that co-ordinates support applications that are going out-of-province, or coming in from other jurisdictions. They will then in turn forward the documents to their counterparts in the other jurisdiction. Each office has one such office which is referred to as the Designated Authority.

The Designated Authority in the other jurisdiction will then arrange a court date for a 'confirmation hearing'. The other party will have the opportunity to file an affidavit and financial information in that jurisdiction.

The judge in the other jurisdiction will then make a decision with respect to the final order. The judge may:

- a) confirm the provisional Saskatchewan order;
- b) refer the matter back to Saskatchewan for further evidence;
- c) confirm the order with some variations; or,
- d) make a different order.

Once the final order is granted and prepared, a copy is sent back to our office and to you.

The time frame for receiving a final order from the other jurisdiction after you file your provisional variation application can vary. In most cases, this will take 6-12 months. In some cases, the other jurisdiction is unable to track down the Respondent, or there are procedural delays outside of the control of the Saskatchewan ISO office. Some cases have taken over 12 months to resolve.

For Inter-jurisdictional Applications to the United States, there are additional forms you will need. You can obtain them from us:

Family Law Information Centre
1-888-218-2822 or (306) 787-5837
svp@gov.sk.ca

IV. What if I have questions when I am using this kit?

If you have questions, you can contact:

Family Law Information Centre
1-888-218-2822 (ext. 2) or (306) 787-5837
svp@gov.sk.ca

The staff at the Family Law Information Centre cannot give you legal advice or represent you in court. However, they can answer general questions you may have about this kit.

JUDICIAL CENTRES IN SASKATCHEWAN

Battleford

Box 340, 291-23rd Street West
Battleford, Saskatchewan
S0M 0E0

Tel: (306) 446-7675
Fax: (306) 446-7737

Estevan

1016 – 4th Street
Estevan, Saskatchewan
S4A 0W5

Tel: (306) 637-4527
Fax: (306) 637-4536

Melfort

Box 6500, 409 Main Street
Melfort, Saskatchewan
S0E 1A0

Tel: (306) 752-6265
Fax: (306) 752-6264

Moose Jaw

64 Ominica Street West
Moose Jaw, Saskatchewan
S6H 1W9

Tel: (306) 694-3602
Fax: (306) 694-3056

Prince Albert

1800 Central Avenue
Prince Albert, Saskatchewan
S6V 4W7

Tel: (306) 953-3200
Fax: (306) 953-3210

Regina

2425 Victoria Avenue
Regina, Saskatchewan
S4P 3V7

Tel: (306) 787-5377
Fax: (306) 787-7217

Saskatoon

520 Spadina Crescent East
Saskatoon, SK
S7K 3G7

Tel: (306) 933-5174
Fax: (306) 975-4818

Swift Current

121 Lorne Street West
Swift Current, Saskatchewan
S9H 0J4

Tel: (306) 778-8400
Fax: (306) 778-8581

Yorkton

29 Darlington Street East
Yorkton, Saskatchewan
S3N 0C2

Tel: (306) 786-1515
Fax: (306) 786-1521

Form 6-4
(Rule 6-4)

COURT FILE NUMBER _____ of 20__

Clerk's Stamp

COURT OF QUEEN'S BENCH FOR SASKATCHEWAN
(FAMILY LAW DIVISION)

JUDICIAL CENTRE _____

APPLICANT _____

RESPONDENT _____

APPLICATION WITHOUT NOTICE
(For Provisional Variation Order)

This application is being made without notice.

Provision authorizing the application to be made without notice:

1. Section 18 of *the Divorce Act*, 1985
(select if existing order was made pursuant to the Divorce Act and other party resides in another province)

Section 7 of *the Inter-jurisdictional Support Orders Act*
(select this option if other party resides in a jurisdiction that requires a provisional order – e.g. Quebec, UK, Australia, New Zealand)

Queen's Bench Rule 15-67(2) – the applicant requests that the court allow this matter to proceed without notice to the Respondent, as the Respondent will have the opportunity to present evidence at the confirmation hearing in the reciprocating jurisdiction.

Remedy claimed or sought:

2. the variation of the support order granted by the Honourable Mr./Madam Justice _____, of the _____,
(name of judge) (name of court)
in the City of _____, dated the ___ day of _____, 20__.
(location of court)

Terms of new order sought:

Respecting opposite parties (mark applicable boxes):

none of the opposite parties is, to my knowledge, represented by a lawyer;

the name of the lawyer representing the opposite party is:

Applicable Acts and Regulations: (choose one of below options)

3. *The Divorce Act, 1985*

The Inter-jurisdictional Support Orders Act

Applicable rules:

4. Queen's Bench Rule 15-67

Applicable cases relied on (provide citations and designate the relevant passages):

5. _____

DATED at _____, Saskatchewan, this _____ day
of _____, 201_____.

Your Signature

CONTACT INFORMATION AND ADDRESS FOR SERVICE

Address for service and contact information of party filing this document:

Name of party:

Address for service:
(set out the street address)

Telephone number:

Fax number (if any):

E-mail address (if any):

Form 13-31

COURT FILE NUMBER _____ of 20__

COURT OF QUEEN'S BENCH FOR SASKATCHEWAN
(FAMILY LAW DIVISION)

JUDICIAL CENTRE _____

APPLICANT _____

RESPONDENT _____

Clerk's Stamp

AFFIDAVIT OF _____
(your name)

I, _____, of the City / Town of
(full name)

_____, Saskatchewan, MAKE OATH AND SAY:

1. I am the Applicant in this matter and as such have personal knowledge of the facts and matters herein deposed to except where stated to be on information and belief and whereso stated I verily believe the same to be true.

2. _____

3. _____

4. _____

5. _____

6. _____

7. _____

8. _____

9. _____

10. _____

11. _____

12. _____

13. _____

14. _____

15. _____

16. _____

17. _____

18. _____

19. _____

(You should continue to write as many paragraphs as you need to in order to tell your story to the judge.. You can use additional paper. Do not forget to number your paragraphs. Include all of the facts that you believe are relevant and that you think are important for the judge to know. Remember to include any documents you think are relevant and important as “exhibits”.)

20. _____

21. _____

22. _____

23. _____

24. _____

25. _____

26. _____

I make this affidavit in support of my Application.

SWORN (OR AFFIRMED) BEFORE ME
at, _____ Saskatchewan,
this _____ day of _____,
201_____

Commissioner for Oaths
for Saskatchewan



(signature)

(MUST BE WITNESSED BY
COMMISSIONER FOR OATHS)

CONTACT INFORMATION AND ADDRESS FOR SERVICE

Address for service and contact information of party filing this document:

Name of party:

Address for service:

Telephone number:

Fax number:

E-mail address:

Form 15-26A

COURT FILE NUMBER _____

Clerk's Stamp

COURT OF QUEEN'S BENCH FOR SASKATCHEWAN
(FAMILY LAW DIVISION)

JUDICIAL CENTRE _____

APPLICANT _____

RESPONDENT _____

FINANCIAL STATEMENT OF _____

I, _____, of _____, Saskatchewan, swear or affirm that:

1. The information set out in this financial statement is true and complete to the best of my knowledge and belief, and sets out my financial situation as of: _____.

2. I do not anticipate any significant changes in the information set out in this statement.

OR

I anticipate the following significant changes in the information set out in this statement:

3. Attached are the following:

Part 1: Income

Part 4: Undue Hardship

Part 2: Annual Expenses

Part 5: Income of Other Persons

Part 3: Extraordinary Expenses

~~Part 6: Property~~

SWORN (OR AFFIRMED) BEFORE ME

at, _____ Saskatchewan,

this _____ day of _____,

201____

Commissioner for Oaths
for Saskatchewan



(signature)

**(MUST BE WITNESSED BY
COMMISSIONER FOR OATHS)**

CONTACT INFORMATION AND ADDRESS FOR SERVICE

Address for service and contact information of party filing this document:

Name of party:

Address for service:

Telephone number:

Fax number (if any):

E-mail address (if any):

DECLARATION:

This declaration is to be filled out if your income is tax exempt because of your Indian status.

My name is _____
full legal name

I live in _____
municipality and province

AND I DECLARE THAT THE FOLLOWING IS TRUE:

1. I am an Indian within the meaning of the *Indian Act* of Canada.
2. Because of my status, my income is tax exempt and I am not required to file an income tax return.
3. I have therefore not filed an income tax return for the last three years.

Declared before me at _____
municipality

in _____
province, state or country

on _____
date _____
Signature

 Commissioner for Oaths
 for Saskatchewan

Instructions

*Please read the instructions (in italics) carefully. **You may not have to complete the Financial Statement at all or, you may only have to complete parts of it.** The instructions tell you what parts of the form you must complete, according to the type of claim involved. When you complete those parts of the form, leave blank any lines that do not apply to you. If there is more than one claim in the proceeding (for example, a claim for spousal support and a claim for child support), you must complete each of the parts of the Financial Statement that apply to you. If you are required to complete a part in relation to one claim, you need not redo that part if the same part is required in relation to a different claim.*

Important Note: *if during the course of the proceeding you find out that the information in this Financial Statement is incorrect or incomplete, or there is a material change in your circumstances that affects the information in this Financial Statement, you MUST serve on every other party to this case and file with the Court the correct or complete information, or a new Financial Statement with updated information, together with any documents that back up that information..*

PART 1 – INCOME

Complete this Part if:

- you are making a claim for child support, or are seeking to vary an order for child support, **and** the amount claimed differs from the table amount in the Federal Child Support Guidelines (e.g. A claim for add-ons, a child is 18 years of age or more, a claim for undue hardship, a case of split or shared custody, the payor’s annual income is over \$150,000, the payor stands in the place of the parent);
- there is a claim against you for child support; or
- there is a claim, either by you or against you, for spousal or parental support or you or another party are seeking to vary an order for spousal or parental support.

- 1** I am:
- employed as: *(describe occupation)* _____
by: *(name and address of employer)* _____
and I am paid:
 weekly monthly
 every 2 weeks other *(specify)*
 twice a month
 - self-employed, carrying on business as: _____
 - a partner in the partnership known as: _____
 - a farmer
 - unemployed since: *(date when last employed)* _____
 - a shareholder, director or officer of a corporation, in which I have an interest
(name and address of corporation) _____
 - a beneficiary under a trust: *(identify trust agreement)* _____

2 The total income declared on my last income tax return in 201__ was \$ _____,
and my net taxable income was \$ _____.

- 3** I have attached to or served with this form: *(check applicable boxes)*
- a copy of every personal income tax return filed by me for each of the 3 most recent taxation years, together with a copy of all material filed with the returns and a copy of every notice of assessment or reassessment issued to me for each of those years.
 - a statement from the Canada Revenue Agency that I have not filed any income tax returns for the past 3 years.
 - a declaration that I am not required to file an income tax return because of the *Indian Act* (Canada). *(Use the declaration above.)*
 - a Canada Revenue Agency consent in Form 15-57B signed by me, for the disclosure of my tax returns and assessments for the past 3 years.

IMPORTANT NOTE: If you are a party to a claim for child support and you are required to fill out Part 1 of this form, the clerk of the Court will NOT allow you to file this Financial Statement unless you have checked one of the boxes in paragraph 3 above and have attached the required document(s).

Annual Income

Include all income and other money received from all sources for the 12-month period ending on the date of this statement, whether taxable or not. Show gross annual amounts here (to get an annual figure, multiply any weekly amount by 52, or any monthly amount by 12). Give current actual amount if known. Give your best estimate if you cannot find out the actual amount. If your most recent federal income tax return (attached to this statement) sets out what you expect your income to be for this year, simply record those amounts here. Otherwise, record what you expect your income for this year to be from each source of income that applies to you. This will be necessary if your salary has increased, you have become unemployed, you have bought or sold rental properties, any source of your income is not taxable, etc.

1.	Employment income: wages, salaries, commissions, bonuses and overtime (before deductions)				+
2.	Commissions (If already included on line 1 indicate amount, but do not add in)				+
3.	Other employment income (Include tips, foreign employment income, net research grants, etc.)				+
4.	Pension income (Include Old Age Security, CPP, disability, superannuation and other pensions)				+
5.	Employment insurance benefits (before deductions)				+
6.	Taxable amount of dividends from taxable Canadian corporations				+
7.	Interest and other investment income				+
8.	Partnership income: limited or non-active partners only			Net	+
9.	Rental income	Gross		Net	+
10.	Taxable capital gains				+
11.	Child support received	Total amount		Taxable amount	+
12.	Spousal support:		From this relationship		
			From another relationship		+
13.	Registered retirement savings plan income				+
14.	Self employment income:				
	a. Business income	Gross		Net	+
	b. Professional income	Gross		Net	+
	c. Commission income	Gross		Net	+
	d. Farming income	Gross		Net	+
	a. Fishing income	Gross		Net	+
15.	Workers' compensation benefits				+
16.	Total social assistance payments				+
17.	Net federal supplements				+
18.	Other income (Include any taxable income that is not already included above, such as scholarships, bursaries, study grants, certain lump sum payments or death benefits, severance pay, etc. Specify.)				+
					+
A	Total annual income:				A =

BENEFITS

Monetary benefits: Income that is exempt from federal or provincial tax: List all allowances and amounts received from all sources, that are not taxable; such as, amounts exempt because of status under Indian Act; band assistance payments; exempt portion of otherwise taxable amounts; certain disability benefits; etc. Specify.

Non-monetary benefits: List all non-monetary benefits from all sources, that are not included in total income (line A). Include such items as use of a company car, or board and room provided for you, and other expenses paid on your behalf. Give your best estimate of the value of the benefit where you cannot find out the actual value.

Medical or dental insurance coverage: Is medical or dental insurance coverage for your children available to you through your employer or otherwise at a reasonable rate? Yes No

Do you have medical or dental insurance coverage for your children? Yes No

ADJUSTMENTS TO ANNUAL INCOME

Give the current actual amount if you know it or can find it out. If you can't find out, give your best estimate.

- Refer to Schedule III of the Federal Child Support Guidelines. Section numbers included below are references to Schedule III of the Federal Child Support Guidelines.
- If necessary attach an extra sheet to show calculations.

Replacements in income:

(Where applicable) Recalculate the annual income shown as amount A above, after making the following replacements:

Total Income		(A):												
<ul style="list-style-type: none"> • Replace taxable amount of dividends from Canadian corporations (line 6) with the actual amount of dividends: (See s.5) 		--												
<ul style="list-style-type: none"> • Replace taxable capital gains (line 10) with the actual amount of capital gains realized in excess of the actual capital losses: 		--												
<table style="width: 100%; border-collapse: collapse;"> <tr> <td style="border: none;">Gains:</td> <td style="border: none;"> </td> <td style="border: none;">- Losses:</td> <td style="border: none;"> </td> <td style="border: none;">= Excess:</td> <td style="border: none;"></td> </tr> <tr> <td style="border: none;"></td> <td style="border: none;"></td> <td style="border: none;"></td> <td style="border: none;"></td> <td style="border: none;"></td> <td style="border: none;"></td> </tr> </table>	Gains:		- Losses:		= Excess:									--
Gains:		- Losses:		= Excess:										
Recalculated annual income: A¹		=												

Deductions from income:

1. Union, professional association or like dues (if you are an employee): s.1	+	
2. Other employment expenses: s.1 (Specify)	+	
	+	
3. Taxable amount of child support I receive: s.2	+	
4. Spousal support I receive from the other party: s.3(1)	+	
5. Social assistance I receive for other members of my household: s.4	+	
6. Actual amount of business investment losses suffered during the year: s.7	+	
7. Carrying charges and interest expenses paid by me and deductible under the Income Tax Act: s.8	+	
8. Prior period earnings included in self-employment income, net of reserves: s.10	+	
9. Portion of partnership or sole proprietorship income property required for capitalization: s.12	+	
Total deductions from income: B		=

Additions to income:

10. Payments to non-arm's length persons: s.9	+	
11. Allowable capital cost allowance with respect to real property: s.11	+	
12. Value of exercised employee stock options in Canadian-controlled private corporations: s.13	+	
Total additions to income: C		=
Annual Income or Recalculated annual income: <input type="text"/> (A) or <input type="text"/> (A'):		
Subtract Total deductions from income	(B): -	
Add Total additions to income	(C): +	
ADJUSTED ANNUAL INCOME	D =	

CHILD SUPPORT:

The Adjusted Annual Income (D) is to be used to calculate child support in accordance with the applicable child support table set out in the Federal Child Support Guidelines.

The Annual Income to be used where special or extraordinary expenses are claimed:

Adjusted Annual Income	(D)=	
Add Spousal support received from the other party (if any)	+	
Subtract Spousal support paid to the other party (if any)	-	
ADJUSTED ANNUAL INCOME (SPECIAL):	E =	

SPOUSAL OR PARENTAL SUPPORT:

The Annual Income to be used where spousal or parental support is claimed:

Adjusted Annual Income	(D)	
Add Total child support I receive	+	
Add Social assistance I received for other household members	+	
Add Child tax benefits or credits	+	
Add GST/HST credit	+	
ADJUSTED ANNUAL INCOME (SPOUSAL):	F =	

PART 2 – ANNUAL EXPENSES

You must set out your TOTAL living expenses. If you cannot find out the actual amount, give your best estimate.

Source Deductions

1. Canadian Pension Plan contributions _____
2. Employment Insurance premiums _____
3. Employee pension contributions to a registered pension plan _____
4. Medical and dental insurance premiums (*Deducted at source*) _____
5. Income tax _____

Housing

6. Rent or mortgage _____
7. Property taxes _____
8. Homeowner's/Tenant's insurance _____
9. Condominium fees _____
10. Water, Sewer and garbage _____
11. House repairs, maintenance, yard care _____
12. Heat _____
13. Electricity _____
14. Telephone _____
15. Other (*Specify*) _____

Household expenses

16. Food _____
17. Meals outside the home _____
18. General household supplies _____
19. Hair care, toiletries and sundries _____
20. Dry cleaning and laundry _____
21. Furnishings and equipment _____
22. Other (*Specify*) _____

Transportation

23. Public transit, taxis _____
24. Car insurance, registration and license _____
25. Gas and Oil _____
26. Parking _____
27. Car repairs and maintenance _____
28. Other (*Specify*) _____

Health

29. Medical and dental insurance premiums (*Not deducted at source*) _____
30. Health care (*physiotherapy, etc.*) _____
31. Drugs, prescriptions _____
32. Dental care (*including orthodontist*) _____
33. Optical care (*eyeglasses, contact lenses*) _____
34. Other (*Specify*) _____

Personal

35. Clothing, footwear _____
36. Educational expenses (self) (*Specify*) _____
37. Other (*Specify*) _____

Children

38. Clothing, footwear _____
39. Children's allowances, gifts _____
40. School fees, books and supplies _____
41. School activities (*field trips, etc.*) _____
42. Activities, lessons and supplies (*music lessons, clubs, sports, bicycles*) _____
43. Child care, babysitting _____
44. Other (*Specify*) _____

Savings for the future

45. RRSP _____
46. RESP _____
47. Other (*Specify*) _____

Support payments (*Specify for whom, whether tax deductible, voluntary or pursuant of order*)

48. Support being paid in this case _____
49. Support being paid in any other case _____

Debt payments (*other than mortgages*)

50. _____

Other

51. Life or term insurance premiums _____
52. Banking, legal, accounting _____
53. Church, charitable donations _____
54. Entertainment and recreation _____
55. Vacation _____
56. Alcohol / tobacco _____
57. Other (*Specify*) _____

G Total annual expenses **G=** _____

Adjusted annual income (D, E or F) _____

Subtract
Total annual expenses (G) _____

ANNUAL SURPLUS / (DEFICIT) _____

PART 3 – SPECIAL OR EXTRAORDINARY EXPENSES

- **Complete this Part only if you claim special or extraordinary expenses as part of a child support claim. Refer to Section 7 of the Federal Child Support Guidelines.**

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.)

- child care expenses incurred as a result of my employment, illness, disability, education or training for employment;
- that portion of the medical and dental insurance premiums attributable to child;
- health related expenses that exceed insurance reimbursement by at least \$100 annually per illness or event, 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;
- extraordinary expenses for primary or secondary school or for any educational programs that meet the child's particular needs;
- expenses for post-secondary education;
- extraordinary expenses for extracurricular activities.

- State the child's name that each expense relates to, the details of each type of expense you are claiming, and the total annual amount of each expense.
- If the child contributes to payment of the expense, please indicate that contribution and its amount.
- If you are claiming for a health related expense, please indicate that amount of insurance reimbursement.

CHILD'S NAME	DETAILS OF EXPENSE	TOTAL AMOUNT	CONTRIBUTION / REIMBURSEMENT

- Receipts or other documentation which shows the amount of the expenses I am claiming for each child are attached to this financial statement.

OR

- I cannot obtain receipts or other documentation to show the amount of the expense I am claiming because: *(please explain why)*
- 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)*

PART 4 – UNDUE HARDSHIP

- **Complete this Part only if you claim a different amount of child support on the basis of undue hardship.** Refer to Section 10 of the Federal Child Support Guidelines. (Indicate which of the following you are claiming.)

- Responsibility for unusually high level of debts reasonably incurred to support the family prior to the separation or to earn a living;

Owed to	Purpose	Date incurred	Terms of debt	Annual amount

- Unusually high expenses for exercising access to a child.

Details of expense	Annual amount

- Legal duty under a judgment, order or written separation agreement to support another person:
- Legal duty to support a child, other than a child for whom support is claimed in this application, who is under the age of 18, or at or above the age of 18 but unable to support himself or herself because of illness, disability or other cause:
- Legal duty to support a person who is unable to support himself or herself because of illness or disability:
- *Attach a copy of any judgment, order or written agreement under which the legal duty arises.*

Name of person	Relationship	Nature of duty	Annual amount

- Other undue hardship circumstances:

Details	Annual amount

PART 5 – INCOME OF OTHER PERSONS IN HOUSEHOLD

- **Complete this Part only if either party is making a claim for a different amount of child support on the basis of undue hardship.**

The following are the names, occupations or sources of income, annual incomes and amount of federal and provincial taxes payable thereon, of:

- (a) any person who has a legal duty to support me or whom I have a legal duty to support;
- (b) any person who shares living expenses with me or from whom I otherwise receive an economic benefit as a result of living with that person; and
- (c) any child whom I or the person described in paragraph (a) or (b) has a legal duty to support.

Other person's name	Occupation or Source of Income	Annual income*	Taxes payable

** Where the information on which to base the income determination is not provided, the court may impute income in the amount it considers appropriate.*

Form 10-3

COURT FILE NUMBER _____ of 20__

COURT OF QUEEN'S BENCH FOR SASKATCHEWAN
(FAMILY LAW DIVISION)

JUDICIAL CENTRE _____

APPLICANT _____

RESPONDENT _____

Clerk's Stamp

**DRAFT PROVISIONAL ORDER
(WITHOUT NOTICE)**

Before the Honourable _____
(name of judge)

on the _____ day of _____, 201____.
(day) (month) (year)

On the application of _____, and without notice
(person who applied for order)

to _____, and on reading the material filed:
(name of other party)

The Court orders:

1. The order made by the Honourable Mr./Madam Justice _____ on the _____
(circle one) (name of judge) (date)

day of _____, 20____, shall be varied in accordance with this order.
(month) (year)

(here state the terms of the order you would like to have made).

2. _____

3. _____

4. _____

5. _____

6. This order is provisional and shall have no force or effect until confirmed in a court of competent jurisdiction.

(Local) Registrar

CONTACT INFORMATION AND ADDRESS FOR SERVICE

Address for service and contact information of party filing this document:

Name of party:

Address for service:

Telephone number:

Fax number:

E-mail address:

[Rule 15-67(3)]

COURT FILE NUMBER _____ of 20__

Clerk's Stamp

COURT OF QUEEN'S BENCH FOR SASKATCHEWAN
(FAMILY LAW DIVISION)

JUDICIAL CENTRE _____

APPLICANT _____

RESPONDENT _____

STATEMENT OF IDENTIFICATION

To the best of my knowledge and belief, the information with respect to the Respondent, is as follows:

Name: _____

D.O.B: _____

SIN: _____

Employer: _____

Address: _____

Description: _____

SWORN (OR AFFIRMED) BEFORE ME

at, _____ Saskatchewan,
this _____ day of _____,
201_____

Commissioner for Oaths
for Saskatchewan



(signature)

(MUST BE WITNESSED BY
COMMISSIONER FOR OATHS)