

Kit #6a Preparing a Court Order Self-Help Kit*

If you have already appeared in court for an application to be heard, and the judge has made a decision on the application, you can use this kit to prepare a court order.

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

Family Law Information Centre
1-888-218-2822 (extension 2)
(306) 787-5837
familylaw@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?

This kit is designed to help a person draft a court order after a decision has been made by the court. Sometimes this decision is made on the date of the court application, and sometimes the decision is made after the judge has taken some time to think about the evidence presented by both parties. The party that is successful in court is usually responsible for drafting the order unless the judge orders otherwise.

Before using this kit, you will need a copy of the notes from the court that outline the terms of the decision that was made by the judge. This is called the “fiat”. You can get a copy of the fiat from the Local Registrar’s office at the Court of King’s Bench.

II. How do I complete the forms in this kit?

It is recommended that you complete the form electronically. However, if you choose to complete a paper copy, you must use pen (black or blue ink) and print all information legibly. The order must be neat so the Court and the other party can read it. The order must be single-sided, on paper that is 8.5 inches by 11 inches, with a margin of 1.25 inches on the left-hand side.

The staff in the Local Registrar’s Office cannot complete the order for you. These instructions and the templates are designed to provide you with the information you need to complete the order.

III. Completing the Forms

When preparing an order, you must follow Rule 10-4 of the *King’s Bench Rules*:

Preparation of judgments and orders

- 10-4 (1) The Court may direct which party is to prepare a draft of the judgment or order pronounced by the Court, but if the Court does not do so, the successful party is responsible for preparing the draft.
- (2) Unless the Court orders otherwise, the following rules apply:
- (a) within 10 days after the judgment or order is pronounced, the responsible party shall prepare a draft of the judgment or order in accordance with the Court’s pronouncement and serve it on every party in attendance at the hearing, but, if the responsible party does not prepare and serve the draft, then any other party may do so;
 - (b) within 10 days after the draft order or judgment is served, each party served may:
 - (i) approve the draft; or
 - (ii) object to the draft and apply to the Court to set the terms of the judgment or order;
 - (c) if a party does not approve or object to the draft judgment or order within the 10 days described in clause (b) but all other requirements are met and service of the draft is proved, the judgment or order may be signed and entered.

a) Preparing the draft order

First, check the fiat from the court to see if the judge has directed who is to prepare the order. If you are directed to prepare the order, or if no one is directed to prepare the order, then you can prepare a draft order using **Order - Form 10-3**.

At the top of the form write the court file number, judicial centre, and the names of the parties. This section should look the same as on all the previous forms filed with the court. Fill in the terms of the order based on what the judge has written in the fiat. If there are references to specific legislation, those should be included.

If the order relates to children (either parenting or child support) include the name and birthdate of each child.

Near the end of the document, there is a blank line for someone at the Local Registrar's Office to sign or stamp the order. Leave this space blank.

There is also a place for the opposing party (or their lawyer) to sign their consent to the way in which you have prepared the draft order from the fiat. Leave this blank.

At the very end of the document, don't forget to fill in your contact information and address for service.

b) Serving the draft order

If the opposing party did not appear in court, then you do not have to serve a draft copy of the order and you can proceed directly to having the order issued by the Local Registrar's Office.

If the other party did appear in court, you will have to serve a copy of the draft on them or their lawyer.

You can give or "serve" the document on the other party in a number of ways:

- a) If the other party is represented by a lawyer, the lawyer's contact information will be at the bottom of their court documents. This allows you to serve your application on that lawyer. The application and supporting documents can be sent to the opposing lawyer by:
 - i) dropping it off at their office;
 - ii) sending it to them by email;
 - iii) sending it to them by fax;
 - iv) sending it to them by regular mail, registered mail, or courier.

You will also need to provide the opposing lawyer with a form to fill out called an **Acknowledgment of Service - Form 12-13**. This form is in this kit.

- b) If the other party is not represented by a lawyer their address for service will be at the bottom of the other party's most recently filed court document. (If you know the other party has moved, it is a good idea to serve an additional copy of the application at their current address or by email.) The application and supporting documents can be served upon the other party directly by:
 - i) Dropping them off at their address for service;
 - ii) sending it by email (if they have provided an email address for service);
 - iii) sending it by fax (if they have provided a fax number);
 - iv) sending it by regular mail, registered mail, or courier.

To prove that the answer was served upon the other party, you will either:

- i) Provide the other party or their lawyer with the **Acknowledgment of Service - Form 12-13** and ask them to sign and return the form to you;

- ii) Have the person who served your form(s) swear the **Affidavit of Service by Alternate Mode - Form 15-8B**.

A copy of each of these forms is included in this kit, but you will only need to use one of them.

c) Issuing the order

Once the other party has been served a copy of the draft order they may consent to the draft, object to the draft, or not respond at all.

The other party (or their lawyer) can confirm they consent to the wording of the draft order by filling out and signing the blank section at the end of the order. Once this is done, you can take the draft order to the Local Registrar's Office to have it issued.

If the opposing party objects to how the order has been prepared, then you will likely have to work together to prepare the order in such a way that you are both happy with the wording.

If, after 10 days, the other party has neither consented or objected to the draft you can take the order to the Local Registrar's Office to be issued.

The Local Registrar's Office will charge you \$20 to issue your order.

If the new order involves a change to child support and you and the other party are registered with the Maintenance Enforcement Office, you should provide them with a copy of the new order. You can find out more about the Maintenance Enforcement Office by contacting them at:

Room 100, 3085 Albert Street
Regina, Saskatchewan, S4S 0B1
1-866-229-9712 or 306-787-8961
meo.inquiry@gov.sk.ca

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

For any questions, you can contact:

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

The staff at the Family Law Information Centre cannot give you legal advice or appear in court for you. *Before you contact them, read this kit carefully from beginning to end.* Remember, neither they nor the court staff can fill out this kit for you.

V. Judicial Centres in Saskatchewan

<https://sasklawcourts.ca/kings-bench/court-locations/>

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

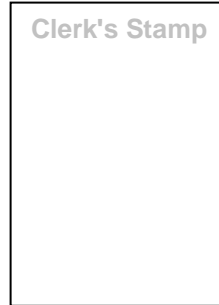
Yorkton

29 Darlington Street East
Yorkton, Saskatchewan
S3N 0C2

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

Form 10-3

COURT FILE NUMBER _____



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

JUDICIAL CENTRE _____

PETITIONER _____

RESPONDENT _____

ORDER

Before the Honourable _____ in

(name of judge)

chambers the _____ day of _____, 20_____.

(day)

(month)

(year)

On the application of _____

(person who applied for order)

and on hearing _____

(list each party who appeared in court)

and on reading the material filed:

The Court orders: *(here state the terms of the order made)*.

1. _____

2. _____

3. _____

ISSUED at the City of _____, in the Province of Saskatchewan, this _____ day of _____, 202____.

Deputy/ Local Registrar

Pursuant to King’s Bench Rule 10-4(2)(b)(i), I approve the wording of this order prepared by _____, by signing below, at _____, Saskatchewan, this _____ day of _____, 202__.

Signature

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 15-8B
(Subrule 15-8)

COURT FILE NUMBER _____

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

JUDICIAL CENTRE _____

PETITIONER/
CO-PETITIONERS _____

RESPONDENT _____

AFFIDAVIT OF SERVICE BY ALTERNATE MODE

I, _____, of _____

Make Oath and Say (or AFFIRM):

1 On _____, at _____, I served (*select one*):
(date) (time)

(Other party's name)

_____, the lawyer for the _____,
(Lawyer's name) (Petitioner/Respondent)

with the _____, attached as Exhibit "A",
(list document(s) served by name and date)

Using the mode of service indicated below:

- Service by leaving at the address for service
- Service by mail
- Service by fax
- Service by courier

Service by leaving at the address for service

2 By leaving a copy with (select one):

_____ at the address for service
(name of party or lawyer served)

(address)

an adult person _____, who was present at the
(insert name if known)
address for service, _____
(address)

I ascertained that the person was an adult person who was an employee [or agent or representative or household member] of _____
(identify person served)

by (insert the grounds for believing that the person documents were left with appeared to be an adult person who was an employee, agent, representative or household member of the person to be served):

_____, an employee in the lawyer's office at
(name of employee)

(address)

by leaving a copy in a mail receptacle at the address for service, _____

(address)

no adult person being present at that address to receive the document (if a business address, continue: during regular office hours).

SWORN (OR AFFIRMED) BEFORE ME

at, _____, Saskatchewan,
this _____ day of _____,
20____.

Commissioner for Oaths
for Saskatchewan



(signature)

Service by mail

2 By (select one):

Sending a copy by ordinary mail (or by registered mail) to _____

(full mailing address)
the address for service provided by _____
(identify party or person)

OR

Sending a copy by ordinary mail to the last known address of _____
(identify party or person)
Provide basis for belief that the address served at is the party's address:

If served by registered mail add:

3 On _____, I received the post office confirmation of delivery to the
(date)
addressee, attached as Exhibit "B", showing confirmation of a signature purporting to be the signature
of _____ and dated _____
(identify person) (insert date)

SWORN (OR AFFIRMED) BEFORE ME

at, _____, Saskatchewan,
this _____ day of _____,
2 _____.

Commissioner for Oaths
for Saskatchewan



(signature)

Service by fax

2 By sending a copy by fax to _____
(*fax number*)

to _____
(*name of party or lawyer*)

3 Attached as Exhibit "B" is the confirmation of fax transmission, received by me on:

(*date*)

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

Commissioner for Oaths
for Saskatchewan



(*signature*)

Service by e-mail (electronic transmission)

2 By e-mail (electronic transmission) to _____
(*e-mail address*)

to _____
(*name of party or lawyer*)

3 Attached as Exhibit "B" is the hard copy of the electronically transmitted acknowledgment of receipt, received by me on _____).
(*date*)

SWORN (OR AFFIRMED) BEFORE ME

at, _____, Saskatchewan,

this _____ day of _____,

2 _____.

Commissioner for Oaths

for Saskatchewan



(*signature*)

Form 12-3
(Subrule 12-3(1))

COURT FILE NUMBER _____

Clerk's Stamp

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

JUDICIAL CENTRE _____

PETITIONER _____

RESPONDENT _____

ACKNOWLEDGMENT OF SERVICE

You are asked to fill out and sign this form without delay, and to mail it in the accompanying postage prepaid envelope addressed to _____
or to return it by fax to _____

If you do not return this signed and completed Acknowledgement of Service without delay, you may not receive notice of any further proceedings or any documents may be personally served on you and you will be required to pay the costs of service.

I acknowledge service on me of a copy of the following document(s)

(list documents by title & date):

I am:

(select one)

- a party in this action.
- authorized to accept service on behalf of _____ *(name of party)*, being
a _____ *(e.g. lawyer, officer of corporation, power of attorney)*.

(signature)

(date of service)

NOTICE

(1) You must include an address in Canada where documents may be mailed to or left for you if you wish to receive notice of subsequent proceedings in this matter. Your address for service must include an e-mail address if you are represented by a lawyer or if your address for service is located outside Saskatchewan. Otherwise, including an e-mail address is optional. It is also optional to include a fax number.

(2) When an e-mail address or a fax number is included in your address for service, documents may be served on you by e-mail or fax.

(3) The address, fax number or e-mail address that you give on this form will be used to serve you with documents until you serve on the other parties and file with the court written notice of a new address for service.

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*): _____