

Kit #3a

Application for an Interim Order

Self-Help Kit*

- Parenting
- Child Support
- Spousal Support

If you have already filed a Petition or Answer and Counter-petition, you can use this kit to apply for an interim support and/or parenting order.

If the child/ren of the relationship reside(s) in another province, you might not be able to use this kit.

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 will help you apply for an interim court order in a family law matter. An interim order is one that you can obtain relatively quickly, and will stay in place until a final judgment is made.

You should only use this kit if you have an existing court file (i.e. you and the other party have each filed a Petition or an Answer and Counter-petition.) If you do not have an existing court file you will have to use a different kit. Any order you seek must correspond with a claim made on either the Petition or Counter-petition.

a) Dispute Resolution Options

There are several Early Dispute Resolution options available to help people who want to try and come to an agreement out of court.

In some locations in Saskatchewan it is mandatory for parties to attempt some form of dispute resolution before applying to court. If your court file is at a court location where early dispute resolution is mandatory, you should have already attempted an out-of-court dispute resolution process before using this kit.

There are limited exceptions to the mandatory EDR requirement. You can apply to the court for an exemption using this kit if:

- there is a restraining order between the parties;
- a child or children has been kidnapped by one of the parties;
- there is a history of interpersonal violence between the parties;
- or, if you have made attempts to engage the other party in dispute resolution and they have not agreed.

In areas of the province where this process is not yet mandatory, families are still encouraged to use an out-of-court dispute resolution process.

Currently, the options available for Early Dispute Resolution are:

- Collaborative Law Process: Collaborative law involves parties and their lawyers signing an agreement that says they will work together and negotiate in good faith to reach a settlement on all issues. If negotiations break down, and one or both parties want to go to court, they need to hire different lawyers.
- Family Arbitration: A family law arbitrator plays a role similar to that of a judge. They are able to make binding decisions to resolve family law disputes using processes that are more informal than the court's. Family law arbitrators use Saskatchewan family law to make decisions. Sometimes arbitrators use a combination of different dispute resolution processes, including negotiation, mediation and arbitration.
- Family Mediation: Family mediators help parties resolve family issues and find solutions through an interest-based problem solving process.
- Parenting Coordination: Parenting coordinators can help parties resolve disputes over existing parenting agreements and orders, such as who has parenting time during summer holidays. Parenting coordinators are knowledgeable about children's developmental stages and mental health, and help parents focus on their children's needs while resolving disputes. Parenting coordinators do not create or change parenting arrangements.

It is recommended that you ask prospective service providers how their process of dispute resolution works, how they expect you to participate, and what the cost of the service will be. Low-income options are available for families who are required to participate in early dispute resolution. Contact earlyfamilyresolution@gov.sk.ca for more information.

To learn more about early dispute resolution, and to find out if it is mandatory in your area, visit www.saskatchewan.ca/residents/births-deaths-marriages-and-divorces/separation-or-divorce/early-family-dispute-resolution.

You can also view a short video about options for resolving disputes: www.saskatchewan.ca/residents/births-deaths-marriages-and-divorces/separation-or-divorce/represent-yourself-in-family-court#family-law-video-series

b) Types of Orders

i) Decision-making responsibility and parenting time

You can use this kit to apply for an interim parenting order where one has not previously been made in Saskatchewan. If you have an existing parenting order through the courts in Saskatchewan that you wish to change, you will need a different kit. If you only have an existing parenting agreement, and wish to change the terms of the agreement, you can still use this kit.

“Decision-making responsibility” is the responsibility for making significant decisions about a child’s personal well-being, such as decisions that relate to health, education, culture, language, religion and spirituality, and significant extra-curricular activities.

“Parenting time” is the time a child spends in the care of a person pursuant to an order or agreement, whether or not the child is physically with that person during that time.

ii) Child support

You can use this kit to apply for an interim child support order, if you do not have an existing Saskatchewan court order or judgment that deals with support. If you have an existing child support order through the courts in Saskatchewan that you wish to change, you will need a different kit.

Also, please note that if the other party resides outside Saskatchewan, and you are only applying for child and/or spousal support, the court may require you to make an interjurisdictional support application, and for this, you can find forms and guides here:

www.saskatchewan.ca/residents/family-and-social-support/child-support/general-information-on-child-support/parents-living-outside-saskatchewan

You can find out more information about child support here: www.justice.gc.ca/eng/fl-df/child-enfant/index.html

iii) Spousal support

You can use this kit to apply for an interim spousal support order. Spousal support is money paid by one spouse to the other after they separate or divorce. It is sometimes called alimony or spousal maintenance. Many factors may affect whether a married or common-law spouse is entitled to spousal support and how much support they should receive.

There are advisory guidelines that may be helpful in predicting the range of possible spousal support amounts. You can find more information on those guidelines here:

www.justice.gc.ca/eng/fl-df/spousal-epoux/ssaq-ldfpae.html

You can also find an online support calculator for both child support and spousal support here:

www.mysupportcalculator.ca/#SupportCalculator

Also, please note that if the other party resides outside Saskatchewan, and you are only applying for child and/or spousal support, the court may require you to make an interjurisdictional support application, and for this, you can find forms and guides here:

www.saskatchewan.ca/residents/family-and-social-support/child-support/general-information-on-child-support/parents-living-outside-saskatchewan

iv) Other orders

In addition to the above, this kit can be used to make an application for other orders, such as:

- A declaration of parentage
- Leave to pursue paternity testing
- Exclusive possession of the family home
- A parenting assessment
- Exemption from mandatory early dispute resolution on the basis of family violence, child abduction or another emergency

II. Relevant legislation

It is your responsibility to read and understand the laws that apply to your situation. You should familiarize yourself with the relevant sections of the following pieces of legislation:

- **The Divorce Act** applies to couples who are married. If you are married and seeking a divorce, a parenting order, child support or spousal support, you can make those claims under the Divorce Act.
laws.justice.gc.ca/eng/acts/D-3.4/index.html
- **The Children's Law Act, 2020** must be used if you are seeking a parenting order and were not married to the other parent. Married parents can also apply for a parenting order under this Act.
publications.saskatchewan.ca/#/products/111938

- **The Family Maintenance Act** must be used if you are unmarried and making a claim for child or spousal support. Married parents can also apply for support under this Act.
publications.saskatchewan.ca/#/products/534
- **The Family Property Act** is the law that applies to all claims for division of family property claims.
publications.saskatchewan.ca/#/products/535

If you decide to represent yourself in court, it is also your responsibility to be familiar with the *Court of Queen's Bench Rules of Saskatchewan* (especially Part 15 of the Rules that deals with Family Law Proceedings). You can find this information at the Publications Saskatchewan website: www.publications.gov.sk.ca/freelaw/

III. Do I Need a Lawyer?

You have the right to go to court without a lawyer. However, you need to know that in court you will be treated the same as a person who has a lawyer. Do not expect any special or different treatment because you do not have a lawyer. If you do not know and follow the court rules, you will have to live with the consequences.

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.

You can call the **Family Law Information Centre** (1-888-218-2822 ext. 2) to get general legal information, or to get help with this self-help kit. The Family Law Information Centre does not provide legal advice, and it cannot provide referrals to specific lawyers or firms. A friend or family member may be a good source for a recommendation for a lawyer. When choosing a lawyer, you can also use the Find-a-Lawyer feature on the Law Society of Saskatchewan website, here: www.lawsociety.sk.ca/ This will allow you to search by city, practice area, languages spoken, and disciplinary proceeding history.

If you are a low income earner or do not earn any income at all, you may qualify for **Legal Aid**. Consult your telephone book for the Saskatchewan Legal Aid Commission office nearest you, or visit their website: www.legalaid.sk.ca/

Pro Bono Law Saskatchewan (PBLs) is an organization that coordinates pro bono (free) legal services to people with lower incomes. For family law matters, people who qualify can receive legal advice. However, full legal representation is not provided. You can find out more about their programs by calling 1 (855) 833-7257 or here: www.pblsask.ca/

Legal information is also provided by the **Public Legal Education Association** of Saskatchewan (PLEA). You can visit their specialized family law website to create your own court forms electronically, or to obtain additional information here: www.familylaw.plea.org

IV. Preliminary Steps

a) Do I need to attend any courses or information sessions before I start?

If you are applying for an interim order that deals with children (decision-making responsibility, parenting time, and/or child support) then you must register for a Parenting after Separation and Divorce course before your court application is heard. The course is free and is offered by Family Justice Services. You must register for the course in advance by calling:

- 1-888-218-2822 ext. 1 (south Saskatchewan)
- 1-877-964-5501 (central and northern Saskatchewan)

If you are making any claims involving children it is recommended that you register and attend the course now. You will receive a certificate of completion from Family Justice Services which will be valid for two years. The information provided is very useful and may help you improve your co-parenting relationship with your child and the other party.

b) How do I complete the forms in this kit?

You can fill out the forms in pen or electronically. The documents must be neat so that the Court and the other party can read them.

You should keep an original, unused copy of the forms. This way, if you make any mistakes, you will be able to start over without having to obtain new forms.

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. Read the instructions carefully and do your best.

If you have 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.* Neither they nor the court staff can fill out this kit for you.

V. Completing the Forms

a) Notice of Application for Substantive Interim Relief – Form 15-41

A Notice of Application is a document that lets the court and the other party know what kind of court order you are seeking. It also sets the date and time when you will be heard by the judge. This form is included in this kit.

At the top of the Notice of Application you will need to fill in your court file number, which can be found on the Petition, the Judicial Centre, and the names of the parties.

Fill in the line indicating whether the other party is the Petitioner or Respondent and their name. If you drafted and filed the Petition on the other party, you are the Petitioner. If the Petition was served on you, you are the Respondent. Then, select the correct check box below and write in your name.

Next, you will have to indicate the address of the court house so that the other party will know where to attend court **and then you will have to select your court date and time**. The times and dates of your hearing will depend on your Judicial Centre. Chambers is held on different days and at different times in each Judicial Centre. You will need to call the court staff at your Judicial Centre to determine when Chambers is held, or find the available dates here: www.sasklawcourts.ca/index.php/home/court-of-queen-s-bench/court-locations-and-sitting-times.

Addresses and telephone numbers for different judicial centres are included in this kit. Once you know the time and day of the week that Chambers is held, you can pick any date that you want as long as you follow the “Notice” rules.

There must be at least 14 days between the date you serve this application and the court date you choose. When choosing the date, be sure to think about how long it will take to complete and serve the documents. 14 days is a minimum. You can choose to provide the other party with more than 14 days’ notice.

If you are requesting an order for interim child or spousal support, the court date must be at least 37 days after the Petition was served.

COVID-19 restrictions require that all Chambers appearances take place by telephone. On the first page of the Notice of Application, there is a paragraph with instructions to the other party about how to appear by telephone. You must write in the correct phone number of your local registrar in the blank space provided.

i. Precise remedy or relief you are seeking

In the “Precise remedy or relief you are seeking” section of the Notice of Application form, you are letting the court know what you are seeking. Fill in the sections pertaining to the orders you are requesting. Cross out or delete the sections that do not apply to you. There is a paragraph that is listed as “Other”. This allows you to apply for some other specific court order that does not fall into one of the other general categories.

ii. Grounds for making this application

In the “Grounds for making this application” section, write a brief description of the circumstances and your reasons for making the application. For instance, you may write something like “The Respondent [or Petitioner] and I have been separated since [date] and have not been able to come to an agreement with regards to [*the orders you are seeking, ex. Parenting arrangements*].”

iii. Material evidence to be relied upon

In this section, list all of the affidavits filed in support of your application. There is a section on the first line for you to fill in your own name. Sometimes applicants also include evidence from other people. In that case, you should write, “affidavit of _____ (*fill in their name*)” on the next line.

iv. Applicable Rules

In most cases, nothing will need to be added to this section.

v. Applicable Acts and regulations

In the “Applicable Acts and regulations” section, you must indicate the law that you are using to apply for the order you are seeking. If you are married to the other party, you can select options under *the Divorce Act*. If you are not married, then you cannot use *the Divorce Act* and you will check off the boxes corresponding to various other pieces of provincial legislation. This should correspond to the claims that you made in your Petition. Under the heading “Other”, we have provided several other grounds for making various different orders. If you are asking for any of these orders, you will have to include them under “Other” in the “Remedy Sought” section. It is possible to make other requests for other orders that are not listed in this kit. You can read through various laws and the Rules of Court to find out these options. These are available here: www.publications.gov.sk.ca/freelaw/

b) Affidavit – From 13-31

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 for decision-making responsibility, parenting time, support and any other order you are seeking. You can find this form later in this kit.

Your Affidavit is very important. This is how the court receives factual evidence from you. You will not be permitted to present any facts at the hearing that are not included in your affidavit, and filed with the court ahead of time.

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 his/her 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. Remember, an affidavit must be sworn. Your affidavit can generally be as long and contain as much detail as you want. However, you should keep in mind that the judge will likely be preparing to hear many court applications on the same date that you have chosen as your court date. 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 15-46 in the Rules of Court, it states what type of information can be included in affidavits. You can find the Rules of Court here:

www.publications.gov.sk.ca/details.cfm?p=73108

If your affidavit contains improper information, those portions can be struck out. Further to this, double costs can be awarded against you.

Your affidavit should include, at minimum, facts that outline the history of the events leading up to the court application. If you lived together previously, this can include events that occurred while you were living together and, after the separation. Remember, if you do not include information in your affidavit, you cannot bring it up in court.

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

You should know that when granting a decision-making responsibility or parenting time order, the judge will only take into consideration the best interests of the child. The judge will be looking at such things as:

- The needs of the child based on their age and stage of development, such as the need for stability
- The nature and strength of the child's relationship with each parent and others who play an important role in the child's life, including siblings and grandparents
- Each parent's willingness to support the child's relationship with the other parent
- History of care of the child
- The child's views and preferences, while considering the child's age and maturity in determining how much weight to give these factors
- The child's cultural, linguistic, religious and spiritual upbringing and heritage, including Indigenous upbringing and heritage
- Any plans for the care of the child
- The ability and willingness of the parents and others that would be covered by the parenting order to care for and meet the needs of the child

- The ability and willingness of the parents and others that would be covered by the parenting order to communicate and cooperate, particularly with each other, on matters concerning the child
- Any family violence
- Any civil or criminal proceeding, order, condition or measure that is relevant to the safety, security and well-being of the child

The judge will not consider the past behaviour of you, the other party, or any other individual unless the behaviour impacts on their ability to care for the child during the times that the child is in their care.

How do I include documents in the affidavit?

You may have documents that you would like the court to see. For example, a copy of your child’s school report card, a report from your counselor, or a letter from your employer outlining your estimated overtime for the next year. 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:

“Attached to my affidavit and marked as exhibit “A” is a copy of my daughter, Samantha’s Grade 4 report card from Connaught School”.

There is a stamp that is used to label the actual document that is being attached as an exhibit. Most commissioners for oaths (lawyers, notaries, court staff) will have access to such a stamp.

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.

Due to COVID-19 restrictions, court staff are not currently available to witness the signing of these documents.

If you are in Regina, the staff of the Family Law Information Centre can witness your documents. Call 1-888-218-2822 ext. 2 or email familylaw@gov.sk.ca to make an appointment.

Commissioners for Oaths can also be found 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.

c) Draft Order – Form 10-3

When filing a Notice of Application, you are required to prepare a Draft Order—a document that sets out the specific wording of the order you are asking the court to make.

Because the draft order is prepared before the court date, some parts, such as the name of the judge and the date of the decision, will be left blank. For now, you will only fill out the body of the order.

When deciding on how to word the draft order, you may wish to look at the sample clauses found here:

<https://www.saskatchewan.ca/residents/births-deaths-marriages-and-divorces/separation-or-divorce/represent-yourself-in-family-court#sample-clauses>

Whether writing in your own terms or choosing any of the sample clauses, make sure they correspond to the remedy or relief that you have asked the Court to address in your Notice of Application. (e.g. Don't ask for property division clauses in your draft order if your Notice of Application only asks for a parenting order).

If you are seeking an order for child support be sure to include the full names and birthdates of each child.

d) Family Chambers Appearance Memo

In February 2020, the Court of Queen's Bench issued a Practice Directive requiring parties to prepare, serve, and file a Family Chambers Appearance Memo at least two business days before your court date. A copy of the template for this form is included at the end of this kit. The purpose of the form is to assist the presiding judge in Chambers to clarify the necessary information before the application proceeds.

VI. Serving Documents

Once you have completed some combination of the forms in this kit you will need to "serve" the documents you have prepared. This means that you have to give a copy of all of the documents to the other party or their lawyer. You will give a second copy of all of the documents to the court and should keep a third copy of all of the documents for your records.

You can give or "serve" the documents 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 their court document. The application and supporting documents can be served upon the other party directly by:
- i) Personally serving the other party;
 - 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 with the **Acknowledgment of Service - Form 12-13** and ask them to sign and return the form to you;
- ii) If you had the other party personally served with your Answer, the person who served your Answer will swear the **Affidavit of Service - Form 15-8A**
- iii) If you had the other party served with your Answer by mail, courier, email or fax, the person who served your Answer will 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 complete and file one of the three.

Are there any time limits for serving documents?

When you serve the documents on the other party, if the court application is for a parenting order, then you must have them served at least 14 days before the court date.

If the Application deals with child support or spousal support, then the other party must be served at least 37 days before the court date.

VII. Filing Documents

Once you have served the first copy of all of your documents on the other party, you must file the second copy with the court. You must "file" or give the court a copy of all of your documents plus the affidavit of service. You must file all of the documents with the court staff between 10:00am and 4:00 p.m. at least 14 days before the court date. (You can file them earlier if you wish.)

You will be charged a \$20 fee for filing your Notice of Application.

If applicable, do not forget to file proof of your attendance at the Parenting after Separation and Divorce course, once you receive your completion certificate.

VIII. What can I expect from the other party?

Will I receive any documents from the other person? What do I do with them?

Once the other party reads the documents you have served on them, they will likely respond. They may serve you with an Affidavit. In that Affidavit, you may find that the other party has brought up new facts with which you disagree. You can prepare, serve, and file a second affidavit responding ONLY to any new matters that the other party has raised in their affidavit. You must file and serve your reply affidavit at least two “clear” days (i.e. three days) before the court date. You can use the affidavit template in this kit to generate a second affidavit.

What if the other party serves me with a Notice of Application?

Along with an affidavit, the other party may serve you with their own Notice of Application asking for a different court orders. This kit does not tell you how to respond to the other party’s Notice of Application. The other party’s documents will give you some indication regarding what you must do to respond. When in doubt, you should refer to the *Court of Queen’s Bench Rules of Saskatchewan*, talk to a lawyer or contact the Family Law Information Centre.

What if the other party agrees with what I am requesting in my Notice of Application?

If at any time, you and the other party are able to agree on the issues, you should do the following:

- 1) Write a letter to the Local Registrar’s Office indicating that you would like it brought to the attention of the presiding judge that you and the other party have agreed to terms on a consent order. If you have prepared this draft consent order ahead of time, you can also file it with the court with that letter. For information on how to prepare a consent order, contact the Family Law Information Centre
- 2) Then, on your court date, the presiding judge will decide whether your consent order will issue, or if there are any other details that may need to be addressed.

What if the other party needs more time to prepare their response?

The other party or their lawyer may contact you to ask for an adjournment. This means that they would like the court date to be postponed. This can be because they require additional time to prepare their response, or the court date does not work with their schedule, or that they want to try to settle the matter outside of court.

Most first requests for adjournments are granted. Whether you are willing to agree with the request for an adjournment or not, it is helpful to review the attached practice directive from the court that deals with adjournments:

www.sasklawcourts.ca/images/documents/Queens_Bench/QB_GAPD_7.pdf

What if the other party’s affidavit does not comply with the Rules of Court?

The other party may have prepared an affidavit(s) that does not comply with the Rules of Court. You have the choice whether to verbally address this matter on the court date, or you can file a formal objection to the material that contravenes the Rules.

It is not mandatory to file the formal objection, but if you choose to do so, the following practice directive may assist you:

www.sasklawcourts.ca/images/documents/Queens_Bench/QB_FAM_PD3amended2014.pdf

IX. Do I actually need to go to court?

What do I do when I get there?

Due to the COVID-19 pandemic, your court appearance will take place over the telephone. You must be available and near your phone at the time and date your hearing is scheduled, and you must remain available until the court calls you. The amount of time you will wait for a call depends on how many matters the court is hearing that day. It could take several hours.

The court will call you at the telephone number provided when you filed your documents. If you want them to use a different phone number, you should call the Local Registrar's office and let them know as soon as possible.

If you are not available when the court calls, your application is likely to be "struck" or thrown out of court and you will have to do all the work again.

Since you are the Applicant, you will speak first. Tell the judge your name and that you are representing yourself. You should call a male judge "my lord", and a female judge "my lady". Tell the judge in clear and simple words what your Notice of Application is about. Remember, you should have a copy of all of the documents you have filed in court with you.

You can only talk about information already written in your affidavit. You cannot bring up new information unless you are specifically asked to do so by the judge.

You should have prepared what you want to say to the judge in advance. If you have written out what you want to say in point form, you will not forget to say something that you believe is important. If the judge asks you any questions, answer clearly, honestly and as best you can. Do not interrupt the judge when they are talking. Always be polite.

Make careful notes of what the judge says. You may have to prepare a document called an "Order" for the court to sign after your application is over. You should note the judge's response to each thing that you have asked for in your Notice of Application.

After you have presented your case, the other party, or their lawyer, takes their turn. When they are finished, you will be able to reply to any new matters they have raised.

When the other party or their lawyer is speaking, do not interrupt if you disagree with what is said. If you spoke first, you will have a chance to respond afterwards. It is a good idea to write a note about what you disagree with, so that you will remember to speak up when you have a chance to respond.

At the end of the hearing, the judge will either:

- a) adjourn your application;
- b) reserve judgment; or
- c) make an order.

If your hearing is "adjourned" that means it is postponed to a later date. The judge may do this if either party requests one, or if further evidence is required, or in any other circumstances the judge considers appropriate.

If the judge “reserves” judgment, it means that the judge needs more time to think about everyone’s evidence. The judge will make a decision at a later date. A judge can take as long as they wish to make the decision. The court staff will contact you when the decision is made. Make sure the court staff knows how to reach you.

The judge may make an order on the spot. Remember, you should make notes on what the judge is saying.

If the judge believes that a decision on any aspect of your application cannot be made on evidence presented, then the judge can order that the matter proceed to a pre-trial conference at a future date. At a pre-trial conference, you and the other party will sit down with a judge to discuss the possibility of reaching a settlement. If you do not reach a settlement at the pre-trial conference a trial may be scheduled, though you and the other party are still free to come to an agreement between themselves at any time.

If a pretrial conference or a trial is scheduled, additional resources are available from the Family Law Information Centre.

X. What do I do after I’ve been to court?

After you have been to court, you will have to prepare the court’s order. It is unlikely that the court will order exactly what you asked for in the Draft Order. You will probably have to make some changes.

After court, contact the Local Registrar’s office and ask them to send you a copy of the fiat by mail or email. The fiat is the record of what the judge decided. Contact the Family Law Information Centre at 1-888-218-2822 (extension 2) for an additional self-help kit to help prepare your court order.

After you have prepared the order, make at least three copies. Take all three copies to the court so that they can “issue” the order. You will be charged a \$20 fee to issue the order. The court staff will compare your order with the judge’s fiat. If you have made any mistakes, the court staff will ask you to correct them.

Once the order is issued, the court will keep one copy, you should keep one copy for your records and you must give the remaining copy to the other party.

XI. 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

Room 323, 3085 Albert Street
Regina, SK S4S 0B1

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.

XII. CHECKLIST

- Read through the instructions for this kit
- If you will be making an application for an interim order involving children, register for the Parenting After Separation and Divorce course (you will have to attend the course before the court date selected in your Notice of Application)
- Complete these documents:
 - **Notice of Application – Form 15-41**
 - **Affidavit - Form 13-31** (sign in front of Commissioner for Oaths)
 - **Draft order – Form 10-3**
- Serve one complete set of documents on the other party at least 14 days before court date. If you are applying for child or spousal support, make sure the court date is set for at least 37 days since the Petition was served
- Document server must sign an **Affidavit of Service** in either **Form 15-8A** or **15-8B** in front of Commissioner for Oaths (unless an **Acknowledgement of Service** has been provided by the other party or their lawyer)
- File the following documents with the court (\$20 filing fee) at least 7 days before court date along with:
 - **Notice of Application – Form 15-41**
 - **Affidavit - Form 13-31**
 - **Draft order – Form 10-3**
 - **Affidavit of Service or Acknowledgement of Service**
 - **Certificate of attendance at Parenting After Separation and Divorce course**
 - **Certificate of Participation in Early Dispute Resolution** (if applicable)
- If served with an Affidavit from the other party, you may choose to prepare, serve, and file a reply affidavit, at least two “clear” days before court date
- Prepare serve and file your **Family Chambers Appearance Memo** two business days before your court date.
- Attend court on your court date
- Obtain kit from Family Law Information Centre to prepare order

XIII. JUDICIAL CENTRES IN SASKATCHEWAN

<http://www.sasklawcourts.ca/index.php/home/court-of-queen-s-bench/court-locations-and-sitting-times>

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 15-41
(Rule 15-41(1))

Clerk's
Stamp

COURT FILE NUMBER _____ of 20 _____

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

JUDICIAL CENTRE _____

PETITIONER(S) _____

RESPONDENT(S) _____

NOTICE OF APPLICATION FOR SUBSTANTIVE INTERIM RELIEF

NOTICE TO THE _____, _____
(Respondent or Petitioner) (name)

This application is being brought by the petitioner, _____.
You are the respondent.

This application is brought by the respondent, _____. You
are the petitioner.

*(Read the Notice at the end of this document to see what else you must do and
when you must do it.)*

You have the right to state your side of this matter before the Court. To do so, you must
be in Court when the application is heard as shown below:

Where _____
Date _____
Time _____

Due to the health risks posed by the COVID-19 pandemic, all chambers application will
be heard by telephone unless the presiding judge has decided otherwise. To confirm the
telephone number where you can be reached on the date of the application, **you must
immediately** contact the office of the Local Registrar at _____ and
provide your telephone number. You must remain available by telephone at that number
on that date until your matter is heard.

1. Precise remedy or relief you are seeking

- An order for interim Decision-making Responsibility of the following children on the following terms:

- An order for interim Parenting Time with the following children on the following terms:

- An order for interim Child Support payable by the Respondent for the following children:

- An order for interim Spousal Support payable by the Respondent.

- Other: _____

- An order for costs of this application.

2. Grounds for making this application:

3. Material evidence to be relied on:

- The affidavit of _____

- _____

4. The applicable rules are:

- Rule 15-41 of the *Queen's Bench Rules*

- Other _____

5. The applicable Acts and regulations are:

Divorce Act (Canada)

- Parenting order pursuant to section 16.1

- Spousal Support pursuant to section 15.2

- Child Support pursuant to section 15.1

The Family Property Act

- Exclusive possession of family home pursuant to section 5(2)
- Other (specify) _____

The Children's Law Act, 2020

- Parenting order pursuant to section 8
- Other (specify) _____

The Family Maintenance Act, 1997

- Spousal support pursuant to section 5
- Child support pursuant to section 3(3)
- Other (specify) _____

Other:

- Exemption from mandatory early dispute resolution pursuant to s.44.01(6) of *The Queen's Bench Act*
- Other: _____

6. A draft order or judgment setting out the precise relief or remedy sought is attached.

DATED at _____, Saskatchewan, this _____ day of _____, 202____.

(signature) _____

NOTICE

If you wish to oppose the application, you or your lawyer must prepare an affidavit in response, serve a copy at the address for service given at the end of this document, and file it in the court office, with proof of service, at least 7 days before the date set for hearing the application. You or your lawyer must also come to court for the hearing of the application on the date set.

(If a support order is sought) TAKE NOTICE that whether or not you oppose this application, you must serve and file a Financial Statement in Form 15-47 at least 7 days before the date set for hearing the application. You must complete the appropriate schedules on the Financial Statement and attach to it the financial information required by the Federal Support Guidelines. If this application includes a claim for child support, and you do not comply with this notice or the Notice to File a Financial Statement which has also been served on you, THE COURT MAY IMPUTE INCOME TO YOU AND MAY DETERMINE THE AMOUNT OF CHILD SUPPORT PAYABLE ON THE BASIS OF THAT IMPUTED INCOME. If you have been served with an application for child support, please consult the Federal Child Support Guidelines.

AND FURTHER TAKE NOTICE that if you do not appear at the hearing [or fail to provide the required financial information *(if a support order is sought)*] an order may be made in your absence and enforced against you. YOU WILL NOT RECEIVE FURTHER NOTICE OF THIS APPLICATION.

CONTACT INFORMATION AND ADDRESS FOR SERVICE

Name of party: _____

Address for service: _____
(set out the street address)

Telephone number: _____

Fax number (if any): _____

Email address (if any): _____

Form 13-31

COURT FILE NUMBER _____ of 20 _____

Clerk's
Stamp

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

JUDICIAL CENTRE _____

PETITIONER(S) _____

RESPONDENT(S) _____

AFFIDAVIT OF _____
(your name)

I, _____, of the _____ of
(full name) *(city, town, village, etc.)*

_____, Saskatchewan, MAKE OATH AND SAY (or AFFIRM):

1. I am the applicant 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. _____

I make this affidavit in support of my Application.

SWORN (OR AFFIRMED) BEFORE ME
at, _____ Saskatchewan,
this _____ day of _____,
20_____

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:
(set out the street address)

Telephone number:

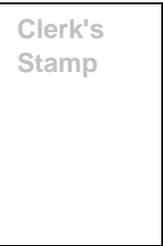
Fax number (if any):

E-mail address (if any):

Form 10-3

COURT FILE NUMBER _____ of 20 _____

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



JUDICIAL CENTRE _____

PETITIONER(S) _____

RESPONDENT(S) _____

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 _____, 20____.

Deputy/ Local Registrar

Pursuant to Queen'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 _____, 20____.

Signature

CONTACT INFORMATION AND ADDRESS FOR SERVICE:

Name of party:

Address for service:

Telephone number:

Fax number:

E-mail address:

Form 15-8A
(Subrule 15-8)

COURT FILE NUMBER _____ of 20 _____

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

JUDICIAL CENTRE _____

PETITIONER(S) _____

RESPONDENT(S) _____

AFFIDAVIT OF PERSONAL SERVICE

I, _____, of _____

Make Oath and Say (or AFFIRM):

1 On _____, at _____, I personally served the
(date) (month) (year) *(time)*

respondent (petitioner) _____,
(name of party served)

with a true copy of _____,
(name of document)

an original being part of the Court file, by leaving a true copy with them at

(full address where respondent was served)

2 My means of knowledge as to the identity of the respondent are as follows:

(a)

(b)

3 The postal address of the respondent is

_____.

4 The basis of my information and belief as to the postal address of the respondent is:

_____.

5 To effect service I necessarily travelled _____ kilometres.

SWORN (OR AFFIRMED) BEFORE ME

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

Commissioner for Oaths
for Saskatchewan



(signature)

Form 15-8B
(Subrule 15-8)

COURT FILE NUMBER _____ of 20 _____

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

JUDICIAL CENTRE _____

PETITIONER(S) _____

RESPONDENT(S) _____

AFFIDAVIT OF SERVICE BY ALTERNATE MODE

I, _____, of _____

Make Oath and Say (or AFFIRM):

Service by leaving at the address for service

1 On _____, at _____, I served _____
(date) (time) (identify person served)

(if lawyer add: the lawyer for the _____),
(identify party)

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

or

an original or true copy of which was filed in court on _____
(date)

(select the appropriate clause)

by leaving a copy with _____
(name of party or lawyer served)

at the address for service _____
(address)

by leaving a copy with an adult person _____,
(insert name if known)

who was present at the address for service, _____
(address)

(Add: 2. 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]:
_____.)

(if lawyer served) by leaving a copy with _____,
(name of employee)
an employee in the lawyer's office, at _____.
(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).

If applicable add:

2 Before serving the documents in this way, I made an unsuccessful attempt to serve

_____ at the same address on _____.
(identify person) (date)

by sending a copy with _____, a courier,
(name of courier service)
for delivery to the address for service, _____.
(address)

(Add: 2. Attached as Exhibit "B" is a copy of the courier's receipt bearing a signature that purports to be the signature of _____
(identify person)

and dated _____.
(date)
or

Where no courier's receipt bearing signature and date:

2. In the normal course of business a document sent by this courier would be delivered
on _____ at _____.)
(date) (time)

(Note: this paragraph should only be used where delivery is made by a courier service. If the courier is any adult person other than a person operating or employed by a courier service, the person delivering the document should take the affidavit.)

Service by mail

1 On _____, I served _____
(date) (identify person, party or lawyer)

(if lawyer add: the lawyer for the _____),
(identify party)

with the _____, attached as Exhibit "A",
(identify document served)

or

an original or true copy of which was filed in court on _____
(date)

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

(full mailing address)

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

(If no address has been provided substitute:
the last known address of _____.)
(identify party or person)

(If served at an address other than address for service:
provide basis for belief that the address served at is the party's address: _____
_____.)

If served by registered mail add:

2 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)

Service by fax or electronic transmission

1 On _____, at _____, I served _____
(date) (time) (identify party or lawyer)

(if lawyer add: the lawyer for the _____),
(identify party)

with the _____, attached as Exhibit "A",
(identify document served)

or

an original or true copy of which was filed in court on _____ by sending a copy
(date)

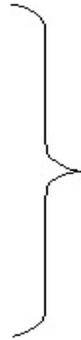
by fax (or electronic transmission) to _____
(fax number or electronic transmission address)

to _____
(name of party or lawyer)

2 Attached as Exhibit "B" is the confirmation of fax transmission (or a 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 QUEEN'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)*: _____

COURT FILE NUMBER _____

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

JUDICIAL CENTRE _____

PETITIONER(S) _____

RESPONDENT(S) _____

FAMILY CHAMBERS APPEARANCE MEMO

For Chambers on _____
(Chambers date)

1. The (petitioner/respondent) applies for the relief set forth in the application dated:

2. The following relief is consented to:

(1) _____
(describe consented-to relief)

(2) _____
(describe consented-to relief)

3. The petitioner has served and filed the following affidavits/other material being relied upon in support of the relief sought:

(1) _____
(describe document)

(2) _____
(describe document)

4. The respondent has served and filed the following affidavits/other material being relied upon in support of the relief sought:

(1) _____
(describe document)

(2) _____
(describe document)

5. The following is a summary of other proceedings pending in this action:

a) Other applications pending:

none

returnable on _____

reserved on _____ by Justice _____

b) Pre-trial: Not scheduled Scheduled for: _____

c) Trial: Not scheduled Scheduled for: _____

d) Notice of Objection:

None

filed on _____ by _____ regarding Affidavit of

e) Other relevant proceedings: _____

6. The parties have attending the Parenting After Separation course:

Petitioner YES NO

Respondent YES NO

7. This is the:

first Memo filed respecting this application.

OR

updated Memo filed by the (*petitioner/respondent*) in respect of this application,
and:

The changes in circumstances since the filing of the last Memo are:

(describe changes in point form)

OR

There is no change in circumstances.

Dated at _____, this _____ day of _____, 20__.

(signature of party or party's lawyer)

(print name of party or party's lawyer)

CONTACT INFORMATION AND ADDRESS FOR SERVICE:

Name of party or party's lawyer: _____

Address: _____
(*set out the street address*)

Telephone number: _____

Fax number (*if any*): _____

Email address (*if any*): _____