

The Family Maintenance Regulations, 1998

being

[Chapter F-6.2 Reg 1](#) (effective March 1, 1998) as amended by Saskatchewan Regulations [19/2018](#), [101/2020](#), [46/2022](#) and [90/2023](#).

NOTE:

This consolidation is not official. Amendments have been incorporated for convenience of reference and the original statutes and regulations should be consulted for all purposes of interpretation and application of the law. In order to preserve the integrity of the original statutes and regulations, errors that may have appeared are reproduced in this consolidation.

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CHAPTER F-6.2 REG 1

The Family Maintenance Act, 1997

PART 1

Preliminary Matters

Title

- 1 These regulations may be cited as *The Family Maintenance Regulations, 1998*.

Definitions

- 2 In these regulations:

“**Act**” means *The Family Maintenance Act, 1997*; (« *Loi* »)

“**Form**” means a form as set out in the Appendix; (« *formule* »)

“**table**” means the applicable table, within the meaning of the guidelines, set out in Schedule I to the guidelines. (« *table* »)

22 Sep 2023 SR 90/2023 s3.

Guidelines adopted

- 3(1) The *Federal Child Support Guidelines*, established pursuant to section 26.1 of the *Divorce Act* (Canada) and as amended from time to time, are adopted for the purposes of the Act and these regulations.

- (2) In applying the guidelines for the purposes of the Act and these regulations:

(a) a reference to ‘spouse’ in the guidelines is to be read as a reference to, as the case may require:

(i) a parent as defined in the Act; or

(ii) another person bringing an application in accordance with section 12 of the Act; and

(b) a reference to ‘child of the marriage’ in clauses 10(2)(d) and 19(1)(a) of the guidelines is to be read as ‘child of the parents’.

22 Sep 2023 SR 90/2023 s3.

PART 2

Forms, Notices and Procedures – General

Definitions for Part

- 3.1 In this Part:

“**clerk**” means a clerk of the court appointed pursuant to *The Court Officials Act, 2012*; (« *greffier* »)

“**court**” means the Provincial Court of Saskatchewan; (« *tribunal* »)

“**judge**” means a provincial court judge. (« *juge* »)

22 Sep 2023 SR 90/2023 s4.

Forms

4 For the purposes of the Act and these regulations:

- (a) Form A is prescribed as the Notice of Application;
- (b) Form B is prescribed as the Notice to Appear;
- (c) Form C is prescribed as the Answer/Counterclaim;
- (d) Form D is prescribed as the Financial Statement;
- (e) Form E is prescribed as the Waiver of Financial Statements;
- (f) Form F is prescribed as the Affidavit of Personal Service;
- (g) Form G is prescribed as the Certificate of Service;
- (h) Form H is prescribed as the Affidavit of Service by Registered or Certified Mail;
- (i) Form I is prescribed as the Affidavit of Service by Fax;
- (j) Form J is prescribed as the Subpoena;
- (k) Form K is prescribed as the Notice of Application for Variation;
- (l) Form L is prescribed as the Order.

6 Mar 98 cF-6.1 Reg 1 s4.

Preparation of Notice to Appear

5(1) A claimant may apply to a clerk for a Notice to Appear by filing a Notice of Application, as prescribed in Form A.

(2) Where an application pursuant to section 64 of *The Children's Law Act, 2020* is joined with an application pursuant to section 3 of the Act, a copy of the birth registration must be filed with the Notice of Application.

(3) On receipt of a Notice of Application, the clerk shall issue a Notice to Appear, as prescribed in Form B, returnable at the time and place requested by the claimant.

6 Mar 98 cF-6.1 Reg 1 s5; 24 Jne 2022 SR
46/2022 s3; 22 Sep 2023 SR 90/2023 s5.

Time limits for service

6(1) A Notice to Appear shall be served at least seven days before the date of the hearing indicated on the Notice to Appear.

(2) At least three days before the date of the hearing indicated on the Notice to Appear, the claimant shall file with the court proof of service of the Notice to Appear and Financial Statement on the respondent.

6 Mar 98 cF-6.1 Reg 1 s6.

Raising of issues

7 Unless the court determines otherwise, a Notice of Application has the effect of raising all issues concerning or in any way relating to the matters for which relief is requested in the Notice of Application, whether or not those issues are specifically mentioned in the Notice of Application.

6 Mar 98 cF-6.1 Reg 1 s7.

Answer or Counterclaim

8(1) A respondent may serve on the claimant an Answer/Counterclaim, as prescribed in Form C, if the respondent:

- (a) has been served with a Notice to Appear; and
 - (b) wishes to dispute the claims described in the Notice to Appear or claims any relief against the claimant, other than dismissal of the application with or without costs.
- (2) A respondent who serves an Answer/Counterclaim on the claimant shall file with the court a copy of the Answer/Counterclaim together with proof of service of the Answer/Counterclaim on the claimant.
- (3) On the date of the hearing indicated on the Notice to Appear, the judge may fix a date by which an Answer/Counterclaim must be served on the claimant and filed with the court.

6 Mar 98 cF-6.1 Reg 1 s8.

Transfer of application

9 If an application brought pursuant to the Act is transferred from the Court of King's Bench to the Provincial Court of Saskatchewan:

- (a) the Petition filed in the Court of King's Bench is deemed to be the Notice of Application;
- (b) any Answer or Answer and Counter-Petition filed in the Court of King's Bench is deemed to be the Answer/Counterclaim;
- (c) the Financial Statement or Waiver of Financial Statements filed in the Court of King's Bench is deemed to be the Financial Statement or Waiver of Financial Statements; and
- (d) the claimant or the respondent may apply to the court to have a Notice to Appear issued for service on the other party.

6 Mar 98 cF-6.1 Reg 1 s9; 22 Sep 2023
SR 90/2023 s6.

Financial Statements

10(1) In this section, “**Financial Statement**” means the Financial Statement, as prescribed in Form D.

(2) Where a claimant claims maintenance pursuant to section 3 of the Act and is required by the guidelines to provide income information to the court, the clerk shall not accept a Notice of Application for filing unless the Notice of Application is accompanied by Part I of the Financial Statement.

(3) Where a claimant claims maintenance pursuant to section 5 or clause 9(1)(f) of the Act, the clerk shall not accept a Notice of Application for filing unless the Notice of Application is accompanied by the Financial Statement.

(4) Whether or not a respondent intends to defend a claim pursuant to section 3 of the Act, the respondent shall serve on the claimant and file with the court Part I of the Financial Statement where the respondent is required by the guidelines to provide income information to the court.

(5) Whether or not a respondent intends to defend a claim pursuant to section 5 or clause 9(1)(f) of the Act, the respondent shall serve on the claimant and file with the court the Financial Statement.

(6) The clerk shall not accept an Answer/Counterclaim to a claim pursuant to section 3 of the Act for filing unless it is accompanied by:

- (a) Part I of the Financial Statement prepared by the respondent; and
- (b) proof of service of the Answer/Counterclaim and Financial Statement on the claimant.

(7) The clerk shall not accept an Answer/Counterclaim to a claim pursuant to section 5 or clause 9(1)(f) of the Act for filing unless it is accompanied by:

- (a) the Financial Statement prepared by the respondent; and
- (b) proof of service of the Answer/Counterclaim and Financial Statement on the claimant.

(8) Notwithstanding subsections (3), (5) and (7), a Financial Statement is not required to be served on the opposite party or filed with the court where a Waiver of Financial Statements, as prescribed in Form E, has been filed with the court.

(9) A claimant or respondent to a claim pursuant to section 3 of the Act shall serve on the other party and file with the court Parts II and III of the Financial Statement where:

- (a) the guidelines require the court to consider all or any of the following:
 - (i) the financial ability of the parents to pay maintenance;
 - (ii) the means of the parents;
 - (iii) the conditions, means, needs and other circumstances of the parents;
 - (iv) the standards of living of the parents; or
- (b) the court directs that they be filed.

Subpoenas

11(1) A judge or clerk may issue to a witness, including the claimant or respondent, a Subpoena, as prescribed in Form J.

(2) A Subpoena is to be served only in Saskatchewan.

(3) A person who is subpoenaed and is paid or offered the fee prescribed in section 13 shall attend at the time and place indicated in the Subpoena.

(4) A Subpoena issued pursuant to subsection (1) has the same force and effect as a Subpoena issued out of the Court of King's Bench, and any witness who does not attend in obedience to a Subpoena is liable in the same manner as if the witness disobeyed a Subpoena issued out of that court.

6 Mar 98 cF-6.1 Reg 1 s11; 22 Sep 2023
SR 90/2023 s8.

Service of Subpoena

12 A Subpoena may be served in accordance with section 23 of the Act by delivering a copy of the Subpoena, together with the fee prescribed in section 13, to the person named in the Subpoena.

6 Mar 98 cF-6.1 Reg 1 s12.

Witness expenses

13 A witness who is served with a Subpoena is entitled to be paid the fees and expenses prescribed in Schedule IV "A" of *The King's Bench Rules*.

6 Mar 98 cF-6.1 Reg 1 s13; 22 Sep 2023
SR 90/2023 s9.

Proceedings

14(1) All oral evidence given at the hearing is to be under oath.

(2) The persons giving oral evidence are subject to cross-examination and re-examination.

(3) The judge shall cause a recording to be made of all oral evidence given at the hearing.

6 Mar 98 cF-6.1 Reg 1 s14.

Telephone evidence

15(1) A judge may order that the oral evidence of any witness may be taken by telephone where:

- (a) the parties consent; or
- (b) in the opinion of the judge, it is necessary to ensure a fair hearing.

(2) Where taking evidence by telephone is or becomes unsatisfactory or the personal attendance of the witness is desirable, the judge may:

- (a) refuse to hear or to continue hearing that evidence;
- (b) receive or reject the evidence that has been heard; and
- (c) make any order, including an order respecting costs, that the judge considers appropriate.

(3) Unless the judge orders otherwise, the party who intends to call a witness whose oral evidence is to be taken by telephone shall file with the court, before the trial, all written material to which the witness intends to refer.

(4) The party on whose behalf a witness is called shall pay all of the telephone charges of calling that witness.

6 Mar 98 cF-6.1 Reg 1 s15.

Hearing and determination of cause

16(1) Subject to subsections (2) and (3), every cause is to be heard:

- (a) on the hearing date indicated on the Notice to Appear; or
- (b) on the date to which the hearing is adjourned.

(2) A judge or clerk may adjourn a hearing from time to time or day to day as may be required.

(3) A judge may reserve judgment.

6 Mar 98 cF-6.1 Reg 1 s16.

Proof of service

17(1) Service may be proved:

- (a) where a document is served by personal service, by:
 - (i) the oral testimony of the person who served the document; or
 - (ii) the filing of an Affidavit of Personal Service, as prescribed in Form F, of the person who served the document;
- (b) where a document is served by a sheriff, sheriff's deputy or bailiff, by filing a copy of the document served endorsed with a Certificate of Service, as prescribed in Form G;
- (c) where a document is served by registered or certified mail, by filing with the court an Affidavit of Service by Registered or Certified Mail, as prescribed in Form H;
- (d) by filing with the court a copy of the document served endorsed with the acceptance of service by a lawyer pursuant to subsection 23(2) of the Act; or
- (e) where a document is served by fax, by filing with the court an Affidavit of Service by Fax, as prescribed in Form I.

(2) Where a document is served by registered mail or certified mail, the post office acknowledgment of receipt card or proof of delivery card purporting to be signed by or on behalf of the addressee is admissible in evidence as proof, in the absence of evidence to the contrary, of service without proof of the signature of the person purporting to have signed it.

6 Mar 98 cF-6.1 Reg 1 s17.

Deemed date of service

18(1) Subject to subsection (2), a person is deemed to have been served with a document sent by registered mail or certified mail:

- (a) on the delivery date shown on the signed post office acknowledgment of receipt card or proof of delivery card; or
- (b) if the card mentioned in clause (a) is not dated, on the date the signed post office acknowledgment of receipt card or proof of delivery card is returned to the sender.

(2) Where a person to whom a document was mailed establishes that, through no fault of that person, the person did not receive the document or received the document at a date later than the deemed date of service, the judge may adjourn the hearing or make any other order that the judge considers appropriate in the circumstances.

6 Mar 98 cF-6.1 Reg 1 s18; 22 Sep 2023
SR 90/2023 s10.

Deemed service

19(1) A document is deemed to have been properly served when the person to be served takes any action or step to participate in the proceedings without being served.

(2) Notwithstanding that service of a document does not comply with the Act or these regulations, the court may order that a document is deemed to have been sufficiently served if, in the opinion of the court, the document came to the attention of the person to be served.

6 Mar 98 cF-6.1 Reg 1 s19.

Order

20 An order for maintenance made by the court pursuant to section 3 of the Act is to be in Form L.

22 Sep 2023 SR 90/2023 s11.

Variation applications

21(1) A claimant or respondent may commence a variation proceeding pursuant to section 10 of the Act by filing a Notice of Application for Variation, as prescribed in Form K.

(2) Certified copies of the original pleadings and all orders shall be filed with the Notice of Application for Variation.

(3) The provisions of these regulations and the forms, other than Form A, prescribed by these regulations and included in the Appendix apply to a variation proceeding, with any necessary modification.

6 Mar 98 cF-6.1 Reg 1 s21.

PART 3
Saskatchewan Child Support Service

DIVISION 1
Preliminary Matters

Income information

21.1 For the purposes of this Part, and for those provisions of the Act that require income information to be provided to the child support service, 'income information' means:

- (a) a copy of the payor's personal income tax return filed for each taxation year specified by the child support service;
- (b) a copy of every notice of assessment and reassessment issued to the payor for each taxation year specified by the child support service;
- (c) other information requested by or provided to the child support service for the purpose of determining the payor's ownership of or involvement in any privately held corporation;
- (d) if the payor is employed:
 - (i) confirmation of employment in a form acceptable to the child support service; and
 - (ii) either:
 - (A) a copy of the payor's most recent statement of earnings showing the total earnings paid in the year to date, including overtime; or
 - (B) copies of the payor's 3 most recent pay stubs;
- (e) if the payor receives income from employment insurance, social assistance, a pension, workers' compensation or a disability payment, a copy of the most recent statement of income indicating the total amount of income from the applicable source during the current year;
- (f) the completed financial statement provided by the child support service.

22 Sep 2023 SR 90/2023 s12.

DIVISION 2
Administrative Calculation of Child Support

Application for calculation

21.2 For the purposes of clause 27.2(2)(b) of the Act, an application for calculation must include the following information:

- (a) the applicant's contact information;
- (b) any contact information known to the applicant respecting the other party;
- (c) the child's name and date of birth;

- (d) if the applicant is also the payor:
 - (i) the name and contact information of the payor's employer; and
 - (ii) income information.

22 Sep 2023 SR 90/2023 s12.

Response to application

21.21 Within 30 days after the child support service notifies the responding party pursuant to clause 27.22(a) of the Act of the application for calculation, the responding party must provide the following information to the child support service:

- (a) the responding party's date of birth;
- (b) if the responding party is the payor:
 - (i) the name and contact information of the payor's employer; and
 - (ii) the payor's income information.

22 Sep 2023 SR 90/2023 s12.

Calculation decision

21.22 For the purposes of clause 27.24(1)(c) of the Act, a calculation decision must include:

- (a) the name and date of birth of each child with respect to whom the support is payable;
- (b) the income of the payor used to determine the calculated amount and the method by which that income was determined;
- (c) the effective date of the calculated amount;
- (d) the date on which the first payment is due;
- (e) notice that, if the payor or the recipient disagrees with the calculated amount, the person may apply to the court for an order pursuant to section 3 of the Act; and
- (f) a statement indicating whether there is a shared or a split parenting arrangement in place.

22 Sep 2023 SR 90/2023 s12.

DIVISION 3
Administrative Recalculation of Child Support

Child support order – mandatory clause

21.3 The following clause is prescribed for the purposes of subsection 27.3(1) of the Act:

The amount of child support or maintenance for a child that is payable under this order may be recalculated by the Saskatchewan Child Support Service if eligible for recalculation and if the child support service determines that recalculation is permissible and appropriate pursuant to *The Family Maintenance Act, 1997* and the regulations. Either party may apply to the child support service at:

Saskatchewan Child Support Service
Room 323, 3085 Albert Street
Regina, SK

If the payor fails to comply with the income disclosure requirements of the child support service, the payor's income may be deemed to have increased as set out in section 27.41 of *The Family Maintenance Act, 1997*.

22 Sep 2023 SR 90/2023 s12.

Agreement – mandatory clause

21.31 The following clause is prescribed for the purposes of subsection 27.3(4) of the Act:

The amount of child support or maintenance for a child that is payable under this agreement may be recalculated by the Saskatchewan Child Support Service if eligible for recalculation and if the child support service determines that recalculation is permissible and appropriate pursuant to *The Family Maintenance Act, 1997* and the regulations. Either party may apply to the child support service at:

Saskatchewan Child Support Service
Room 323, 3085 Albert Street
Regina, SK

If the payor fails to comply with the income disclosure requirements of the child support service, the payor's income may be deemed to have increased as set out in section 27.41 of *The Family Maintenance Act, 1997*.

22 Sep 2023 SR 90/2023 s12.

Application for recalculation

21.32 For the purposes of clause 27.32(2)(b) of the Act, an application for recalculation must include the following information:

- (a) the applicant's contact information;
- (b) any contact information known to the applicant respecting the other party;
- (c) the child's name and date of birth;

- (d) if the applicant is also the payor:
 - (i) the name and contact information of the payor's employer; and
 - (ii) income information;
- (e) the actual amount of child support paid by the payor to the recipient in the most recent taxation year;
- (f) the current child support amount;
- (g) a copy of the child support order, agreement, calculation decision or previous recalculation decision, as the case may be;
- (h) the file number used by the Maintenance Enforcement Office within the meaning of *The Enforcement of Maintenance Orders Act, 1997*, if applicable.

22 Sep 2023 SR 90/2023 s12.

When not eligible for recalculation

21.33 For the purposes of subsection 27.34(2) of the Act, and notwithstanding the mandatory clause concerning recalculation included in a child support order or an agreement pursuant to section 27.3 of the Act, a child support order, agreement, calculation decision or previous recalculation decision, as the case may be, is not eligible for recalculation if:

- (a) the child support order, agreement, calculation decision or previous recalculation decision, as the case may be, indicates that:
 - (i) the amount of child support payable must not be recalculated by the child support service; or
 - (ii) the recalculation of the amount of child support payable must be based on income information not specified in section 21.1;
- (b) in the case of a child support order, the order indicates that the payor's income was imputed by the court or the family arbitrator, as the case may be;
- (c) the amount of child support payable was not determined based on the table;
- (d) the child support is payable with respect to a person who is 18 years of age or older, unless:
 - (i) the amount of child support payable was determined based on the table;
 - (ii) the recipient and the payor agree that child support is no longer payable with respect to that person; or
 - (iii) in accordance with section 15.2 of *The Enforcement of Maintenance Orders Act, 1997*, the director is enforcing a lesser amount of child support payable with respect to that person than is payable under the child support order, agreement, calculation decision or previous recalculation decision, as the case may be;

- (e) the order, agreement, calculation decision or previous recalculation decision, as the case may be, was made in relation to income over \$150,000;
- (f) the payor is a person described in clause (b) of the definition of 'parent' in section 2 of the Act;
- (g) there is a shared parenting arrangement in place, unless the amount of child support payable under the shared parenting arrangement was determined based on the table;
- (h) only one parent resides in Saskatchewan, unless the party who resides outside Saskatchewan agrees to a recalculation of the amount of child support payable; or
- (i) the applicant is the payor and indicates in the application that he or she is not receiving income from any source, unless the recipient agrees to a recalculation of the amount of child support payable under the child support order, agreement, calculation decision or previous recalculation decision, as the case may be.

22 Sep 2023 SR 90/2023 s12.

Response to application

21.34 Within 30 days after the child support service notifies the responding party pursuant to clause 27.35(a) of the Act of the application for recalculation, the responding party must provide the following information to the child support service:

- (a) the responding party's date of birth;
- (b) if the responding party is the payor:
 - (i) the name and contact information of the payor's employer; and
 - (ii) the payor's income information.

22 Sep 2023 SR 90/2023 s12.

Recalculation decision

21.35(1) For the purposes of clause 27.37(1)(c) of the Act, a recalculation decision must include:

- (a) the name and date of birth of each child with respect to whom the support is payable;
- (b) the income of the payor used to determine the recalculated amount and the method by which that income was determined;
- (c) the effective date of the recalculated amount;
- (d) the date on which the first payment is due; and
- (e) notice that, if the payor or the recipient disagrees with the recalculated amount, the person may apply to the court in accordance with section 27.4 of the Act.

(2) The amount prescribed for the purposes of subsection 27.37(2) of the Act is \$10 per month.

22 Sep 2023 SR 90/2023 s12.

DIVISION 4
General

Notification by child support service

21.4 Any notice or information that the child support service is required to provide to a payor or a recipient may be provided:

- (a) personally;
- (b) by sending it by ordinary mail, in which case it is deemed to be served on the 7th day after the day on which it is mailed; or
- (c) by sending it by fax or email, in which case it is deemed to be served on the day on which it is sent.

22 Sep 2023 SR 90/2023 s12.

Notification to child support service

21.41 Any notice or information that a payor or a recipient is required to provide to the child support service in writing may be provided:

- (a) personally;
- (b) by sending it by ordinary mail, in which case it is deemed to be served on the 7th day after the day on which it is mailed; or
- (c) by sending it by fax or email, in which case it is deemed to be served on the day on which it is sent.

22 Sep 2023 SR 90/2023 s12.

Access to information

21.42(1) For the purposes of section 27.6 of the Act, the child support service may request any of the following additional information:

- (a) the payor's or recipient's address or whereabouts;
- (b) the name and address of the payor's employer.

(2) A request for information made by the child support service pursuant to this section and section 27.6 of the Act may be served:

- (a) personally;
- (b) by sending it by ordinary mail, in which case it is deemed to be served on the 7th day after the day on which it is mailed; or
- (c) by sending it by fax or email, in which case it is deemed to be served on the day on which it is sent.

(3) A person or public body served with a request pursuant to this section and section 27.6 of the Act shall provide the requested information to the child support service within 21 days after service of the request.

22 Sep 2023 SR 90/2023 s12.

Disclosure of information

21.43(1) Except in accordance with the Act and this section, no person shall disclose any information retained by the child support service.

(2) The manager may disclose information retained by the child support service to the extent necessary for the purpose of administering the child support service.

(3) The manager may obtain information respecting a payor or a recipient from the director or from a designated authority in Saskatchewan pursuant to *The Inter-jurisdictional Support Orders Act* for the purpose of the calculation or recalculation of child support and may rely on that information without further verification.

(4) The manager may disclose information retained by the child support service respecting a payor or a recipient to the director for the purposes of *The Enforcement of Maintenance Orders Act, 1997*.

(5) The manager may disclose information and documents retained by the child support service about a payor to a recipient, or about a recipient to a payor, without the consent of the payor or recipient whose information and documents are being disclosed, if the information or document:

- (a) is used in making a decision to decline to calculate or recalculate the amount of child support;
- (b) may be relevant to an application to the court made pursuant to section 27.4 of the Act;
- (c) has been filed for use in a court proceeding in Saskatchewan; or
- (d) is otherwise available to the public.

(6) The manager may disclose information retained by the child support service with respect to a recipient or a payor:

- (a) to a peace officer at the peace officer's request, if the manager is satisfied that the request is reasonable;
- (b) to the minister at the minister's request;
- (c) to persons acting on the manager's instructions with respect to the calculation or recalculation of child support; or
- (d) as a component of general statistical data prepared by the manager for any purpose.

(7) The manager may disclose information retained by the child support service to a member of the Legislative Assembly or a Member of Parliament with respect to:

- (a) a recipient, if the manager is satisfied that the recipient has made an inquiry to the member of the Legislative Assembly or the Member of Parliament; or
- (b) a payor if the manager is satisfied that the payor has made an inquiry to the member of the Legislative Assembly or the Member of Parliament.

(8) Notwithstanding subsections (6) and (7), the manager shall not disclose any information obtained from the Government of Canada except in accordance with the provisions of the agreement between the Government of Saskatchewan and the Government of Canada respecting its disclosure.

PART 4
Repeal and Coming into Force

R.R.S. c.F-6.1 Reg 2 repealed

22 *The Family Maintenance Regulations* are repealed.

6 Mar 98 cF-6.1 Reg 1 s22.

Coming into force

23(1) Subject to subsection (2), these regulations come into force on the day on which section 1 of *The Family Maintenance Act, 1997* comes into force.

(2) If these regulations are filed with the Registrar of Regulations after the day on which section 1 of *The Family Maintenance Act, 1997* comes into force, these regulations come into force on the day on which they are filed with the Registrar of Regulations.

6 Mar 98 cF-6.1 Reg 1 s23.

Appendix

FORM A

[Clause 4(a)]

IN THE PROVINCIAL COURT
OF SASKATCHEWAN

BETWEEN:

CLAIMANT

AND

RESPONDENT

Notice of Application

TO THIS HONOURABLE COURT:

CLAIM

1. I/We ask this Honourable Court for the following relief:

(leave blank any parts of this form that are not applicable to your claim)

_____ An Order for maintenance for a child pursuant to section 3 of *The Family Maintenance Act, 1997* in accordance with the table;

_____ An Order for special or extraordinary expenses, as described in the *Child Support Guidelines*, for a child or a person mentioned in section 4 of *The Family Maintenance Act, 1997* respecting the following expenses and in the following amounts: _____ ;

_____ An Order for maintenance for a child or a person mentioned in section 4 of *The Family Maintenance Act, 1997* not in accordance with the table, in the amount of \$ _____ per _____ (week, month, etc., either for an indefinite or limited period, or until a specified event occurs, or a lump sum) because:

_____ maintenance is sought for a child who is 18 years of age or older and the amount in accordance with the table would be inappropriate;

_____ an order for child maintenance in an amount in accordance with the table would cause undue hardship, as described in the *Child Support Guidelines*;

_____ an order for child maintenance in an amount in accordance with the table would be inequitable given special provisions that have been made for the benefit of the child;

_____ the claimant/respondent exercises parenting time with respect to, or has physical custody of, the child for not less than 40% of the time over the course of a year;

_____ the income of the respondent is less than the minimum income incorporated in the table;

_____ other: (specify) _____ ;

_____ An order imputing income to the respondent in accordance with section 19 of the *Child Support Guidelines*, in the following amount and for the following reasons: _____

_____ An order for spousal maintenance in the amount of \$ _____ per _____ (week, month, etc., either for an indefinite or limited period, or until a _____ specified event occurs, or a lump sum);

_____ An order that maintenance be paid for a specified period before the date of the order as follows:

| <u>Amount</u> | <u>Name of Dependant</u> | <u>Time Period</u> |
|--------------------|--------------------------|--------------------|
| \$ _____ per _____ | _____ | _____ |
| \$ _____ per _____ | _____ | _____ |
| \$ _____ per _____ | _____ | _____ |
| \$ _____ per _____ | _____ | _____ |

_____ An order that the respondent designate his or her dependant, _____, as beneficiary of the respondent's life insurance policy either:

_____ irrevocably; or

_____ until _____,
(a specific date)

and that the respondent pay all premiums on that life insurance policy;

_____ An order that the respondent, who has an interest in a pension plan or other benefit plan, designate his or her dependant, _____, as a beneficiary under the plan: _____;
(describe plan)

_____ Where this application requests maintenance for a child, an order that the respondent pay in addition:

_____ (a) expenses of the birth parent of the child with respect to prenatal care and birth of the child, in the amount of \$ _____;

_____ (b) maintenance for the birth parent of the child in the amount of \$ _____ per _____ for _____;
(a period not exceeding three months immediately preceding the birth of the child)

_____ (c) maintenance for the birth parent of the child in the amount of \$ _____ per _____ for _____;
(period after the birth of the child, not exceeding six months)

_____ Costs of the Application;

_____ That payment pursuant to the order be secured as follows: _____

_____ .

SUMMARY OF FACTS

2. Where the application is for child maintenance:

_____ I claim maintenance for the following child(ren):

Name

Date of Birth

| | |
|-------|-------|
| _____ | _____ |
| _____ | _____ |
| _____ | _____ |
| _____ | _____ |

- _____ The nature of my relationship to and interest in the above child(ren) is as follows: _____

- _____ The respondent is a parent of the above child(ren) based on the following grounds: *(refer to specific sections of The Family Maintenance Act, 1997)*

- _____ As birth parent of the above child(ren), I claim maintenance and/or expenses for myself, based on clause 9(1)(f) of *The Family Maintenance Act, 1997*.

3. **Repealed.** 22 Sep 2023 SR 90/2023 s13.

4. Where the application is for spousal maintenance:

- _____ The respondent is the claimant's spouse based on the following grounds: *(refer to specific sections of The Family Maintenance Act, 1997)*

5. The Financial Statement of the claimant is attached to this Notice. *(A Financial Statement need not be filed if maintenance is sought only for a spouse and the parties consent to waive this requirement, in which case the Waiver of Financial Statements must be signed by you and your spouse and filed with the court. If an application is made for maintenance for a child pursuant to section 3 of The Family Maintenance Act, 1997, the Child Support Guidelines require the following information be filed:*

Part I of the Financial Statement: by the respondent on all applications; by the claimant on all applications where the claimant's income information is required by the court.

Parts II and III of the Financial Statement: by the claimant and respondent in all applications where undue hardship or other exceptions to the table are claimed.)

_____ Financial Statement

_____ Waiver of Financial Statements

_____ Maintenance for a child pursuant to section 3 of *The Family Maintenance Act, 1997* is sought in accordance with the table.

6. Where the application is for maintenance for a child pursuant to section 3 of *The Family Maintenance Act, 1997*:

_____ I estimate the respondent's annual income to be \$ _____ ;

_____ the respondent's province of residence is _____ ;

_____ additional income should be imputed to the respondent pursuant to section 19 of the *Child Support Guidelines* for the following reasons:

MEDIATION

7. The mediation facilities used to negotiate maintenance issues in dispute in this matter are as follows:

MAINTENANCE AGREEMENTS

8. The details of any written or oral maintenance agreements between the parties are:

(Indicate the date of the agreement or arrangement, whether the agreement or arrangement is now in effect, the maintenance provisions in the agreement or arrangement, and, if there are arrears of payment of maintenance, the amount of the arrears. Where it is requested that provisions of an agreement be incorporated in the order, refer to the specific provisions to be incorporated.)

Dated at _____ this _____ day of _____, _____

(Signature of Claimant or Claimant's Lawyer)

STATEMENT OF LAWYER

I, _____, lawyer for the claimant, _____.

(name of lawyer) *(name of claimant)*

certify to this Court that I have complied with the requirements of subsection 16(1) of *The Family Maintenance Act, 1997* with respect to mediation. (*Where the circumstances of the case are of such a nature that it would clearly not be appropriate to so comply, set out the circumstances.*)

Dated at _____ this _____ day of _____, _____

(Signature of Lawyer)

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This document was delivered by _____, _____, and the
(firm name) (business address)

address for service is:

Lawyer in charge of file:

Telephone:

(Or, where claimant is not represented by a lawyer:)

This document was delivered by _____ of _____,
(claimant) (business or residence address)

_____,
(telephone)

and the address for service is:

11 Sep 2020 SR 101/2020 s19; 22 Sep 2023
SR 90/2023 s13.

FORM B
[Clause 4(b)]
IN THE PROVINCIAL COURT
OF SASKATCHEWAN

BETWEEN:

CLAIMANT

AND

RESPONDENT

Notice to Appear

TO _____ (name)

of _____ (address)

An application has been made to the Provincial Court of Saskatchewan under *The Family Maintenance Act, 1997* claiming _____ maintenance
(spousal/child)

by reason of the fact that _____
(state grounds constituting spousal/parental relationship as shown in the Application)

The Claimant requests an Order that you pay maintenance for your dependants as follows: (leave blank any items that are not applicable to your claim)

_____ An Order for maintenance for a child pursuant to section 3 of *The Family Maintenance Act, 1997* in accordance with the table; An Order for special or extraordinary expenses, as described in the *Child Support Guidelines*, for a child or a person mentioned in section 4 of *The Family Maintenance Act, 1997* respecting the following expenses and in the following amounts: _____ ;

_____ An Order for maintenance for a child or a person mentioned in section 4 of *The Family Maintenance Act, 1997* not in accordance with the table, in the amount of \$ _____ per _____ (week, month, etc., either for an indefinite or limited period, or until a specified event occurs, or a lump sum) because:

_____ maintenance is sought for a child who is 18 years of age or older and the amount in accordance with the table would be inappropriate;

_____ an order for child maintenance in an amount in accordance with the table would cause undue hardship, as described in the *Child Support Guidelines*;

_____ an order for child maintenance in an amount in accordance with the table would be inequitable given special provisions that have been made for the benefit of the child;

_____ the claimant/respondent exercises parenting time with respect to, or has physical custody of, the child for not less than 40% of the time over the course of a year;

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FAMILY MAINTENANCE, 1998

_____ the income of the respondent is less than the minimum income incorporated in the table;

_____ other: *(specify)* _____ ;

_____ An Order imputing income to the respondent in accordance with section 19 of the *Child Support Guidelines*, in the following amount and for the following reasons: _____ ;

_____ An Order for spousal maintenance in the amount of \$ _____ per _____ *(week, month, etc., either for an indefinite or limited period, or until a specified event occurs, or a lump sum)*;

_____ An order that maintenance be paid for a specified period before the date of the order as follows:

| <u>Amount</u> | <u>Name of Dependant</u> | <u>Time Period</u> |
|--------------------|--------------------------|--------------------|
| \$ _____ per _____ | _____ | _____ |
| \$ _____ per _____ | _____ | _____ |
| \$ _____ per _____ | _____ | _____ |
| \$ _____ per _____ | _____ | _____ |

_____ An order that the respondent designate his or her dependant, _____ , as a beneficiary of the respondent's life insurance policy either:

_____ irrevocably; or

_____ until _____ ,
(a specific date)

and that the respondent pay all premiums on that life insurance policy;

_____ An order that the respondent, who has an interest in a pension plan or other benefit plan, designate his or her dependant, _____ , as a beneficiary under the plan: _____ ;
(describe plan)

_____ Where this application requests maintenance for a child, an order that the respondent pay in addition:

_____ (a) expenses of the birth parent of the child with respect to prenatal care and birth of the child, in the amount of \$ _____ ;

_____ (b) maintenance for the birth parent of the child in the amount of \$ _____ per _____ for _____ ;
(a period not exceeding three months immediately preceding the birth of the child)

_____ (c) maintenance for the birth parent of the child in the amount of \$ _____ per _____ for _____ ;
(period after the birth of the child, not exceeding six months)

_____ Costs of the Application;

_____ That payment pursuant to the order be secured as follows: _____
_____.

A hearing will be held at _____

(state urban centre at which hearing is to be held and the location or description of the building in which the hearing is to be held)

on _____ the _____ day of _____, _____ at _____ o'clock
(state whether a.m. or p.m.).

If you wish to dispute any of the claims, an ANSWER/COUNTERCLAIM (attached) with proof of service on the claimant may be filed with the court.

If you wish to make a claim against the claimant under *The Family Maintenance Act, 1997*, an ANSWER/COUNTERCLAIM (attached), with proof of service on the claimant, may be filed with the court.

Whether or not you intend to dispute any of the claims or make a counterclaim, you are required to serve on the claimant and file with the court the following financial information: _____.

(A Financial Statement need not be filed if maintenance is sought only for a spouse and the parties consent to waive this requirement, in which case the Waiver of Financial Statements must be signed by you and your spouse and filed with the court. If an application is made for maintenance for a child pursuant to section 3 of The Family Maintenance Act, 1997, the Child Support Guidelines require the following information to be filed:

Part I of the Financial Statement: by the respondent on all applications; by the claimant on all applications where the claimant's income information is required by the court.

Parts II and III of the Financial Statement: by the claimant and respondent in all applications where undue hardship or other exceptions to the table are claimed.)

TAKE NOTICE THAT IF YOU FAIL TO APPEAR, AN ORDER MAY BE MADE IN YOUR ABSENCE.

(Judge or Clerk of the Provincial Court of
Saskatchewan)

This document was delivered by _____ of _____,
(claimant) (business or residence address)

(telephone)

and the address for service is:

FORM C
[Clause 4(c)]
IN THE PROVINCIAL COURT
OF SASKATCHEWAN

BETWEEN:

CLAIMANT

AND

RESPONDENT

Answer/Counterclaim

1. I/We ask this Honourable Court for the following relief: *(leave blank any parts of this form that are not applicable to your claim)*

_____ An Order for maintenance for a child pursuant to section 3 of *The Family Maintenance Act, 1997* in accordance with the table;

_____ An Order for special or extraordinary expenses, as described in the *Child Support Guidelines*, for a child or a person mentioned in section 3 of *The Family Maintenance Act, 1997* respecting the following expenses and in the following amounts: _____ ;

_____ An Order for maintenance for a child or a person mentioned in section 3 of *The Family Maintenance Act, 1997* not in accordance with the table, in the amount of \$ _____ per _____ (*week, month, etc., either for an indefinite or limited period, or until a specified event occurs, or a lump sum*) because:

_____ maintenance is sought for a child who is 18 years of age or older and the amount in accordance with the table would be inappropriate;

_____ an order for child maintenance in an amount in accordance with the table would cause undue hardship, as described in the *Child Support Guidelines*;

_____ an order for child maintenance in an amount in accordance with the table would be inequitable given special provisions that have been made for the benefit of the child;

_____ the respondent/claimant exercises parenting time with respect to, or has physical custody of, the child for not less than 40% of the time over the course of a year;

_____ the income of the claimant is less than the minimum income incorporated in the table;

_____ other: (*Specify*) _____ ;

_____ An Order imputing income to the respondent in accordance with section 19 of the *Child Support Guidelines*, in the following amount and for the following reasons: _____

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_____ An Order for spousal maintenance in the amount of \$ _____ per _____
(*week, month, etc., either for an indefinite or limited period, or until a _____
specified event occurs, or a lump sum*);

_____ An order that maintenance be paid for a specified period before the date of the
order as follows:

| <u>Amount</u> | <u>Name of Dependant</u> | <u>Time Period</u> |
|--------------------|--------------------------|--------------------|
| \$ _____ per _____ | _____ | _____ |
| \$ _____ per _____ | _____ | _____ |
| \$ _____ per _____ | _____ | _____ |
| \$ _____ per _____ | _____ | _____ |

_____ An order that the claimant designate his or her dependant, _____ ,
as beneficiary of the claimant's life insurance policy either:

_____ irrevocably; or

_____ until _____ ,
(*a specific date*)

and that the claimant pay all premiums on that life insurance policy;

_____ An order that the claimant, who has an interest in a pension plan or other
benefit plan, designate his or her dependant, _____ ,
as a beneficiary under the plan: _____ ;
(*describe plan*)

_____ Where this counterclaim requests maintenance for a child, an order that the
claimant pay in addition:

_____ (a) expenses of the birth parent of the child with respect to prenatal
care and birth of the child, in the amount of \$ _____ ;

_____ (b) maintenance for the birth parent of the child in the amount of \$
per _____ for _____ ;
(*a period not exceeding three months immediately preceding the birth of the child*)

_____ (c) maintenance for the birth parent of the child in the amount of \$
per _____ for _____ ;
(*period after the birth of the child, not exceeding six months*)

_____ Costs of the counterclaim;

_____ That payment pursuant to the order be secured as follows: _____ .
_____ .

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2. The Financial Statement of the respondent is attached to this Answer/Counterclaim.

(A Financial Statement need not be filed if maintenance is sought only for a spouse and the parties consent to waive this requirement, in which case the Waiver of Financial Statements must be signed by you and your spouse and filed with the court. If an application is made for maintenance for a child pursuant to section 3 of The Family Maintenance Act, 1997, the Child Support Guidelines require the following information to be filed:

Part I of the Financial Statement: by the respondent on all applications; by the claimant on all applications where the claimant's income information is required by the court.

Parts II and III of the Financial Statements: by the claimant and respondent in all applications where undue hardship or other exceptions to the table are claimed.)

3. *(Set out in separate, consecutively numbered paragraphs a statement of the material facts relied on for contesting the Application or for making the Counterclaim.)*

(Signature of Respondent or Respondent's Lawyer)

STATEMENT OF LAWYER

I, _____, lawyer for the respondent, _____,
(name of lawyer) (name of respondent)

certify to this Court that I have complied with the requirements of subsection 16(1) of *The Family Maintenance Act, 1997* with respect to mediation. *(Where the circumstances of the case are of such a nature that it would clearly not be appropriate to so comply, set out the circumstances.)*

Dated at _____ this _____ day of _____, ____.

(Signature of Lawyer)

This document was delivered by _____, _____,
(firm name) (business address)

and the address for service is:

Lawyer in charge of file:

Telephone:

(Or, where respondent is not represented by a lawyer:)

This document was delivered by _____ of _____,
(respondent) (business or residence address)

(telephone number)

and the address for service is:

FORM D
[Clause 4(d)]
IN THE PROVINCIAL COURT
OF SASKATCHEWAN

BETWEEN:

CLAIMANT

AND

RESPONDENT

Financial Statement

FINANCIAL STATEMENT OF _____, of _____
(name) (Province of Residence)

I, _____, MAKE OATH AND SAY THAT:

1. The details of my financial situation are accurately set out below to the best of my information and belief.

2. The name(s) and address(es) of my employer(s) is (are): _____

3. I do not anticipate any material change in the information set out below (*or as the case may be*).

4. The documents required to be filed pursuant to the *Child Support Guidelines* are attached as follows:

- (a) a copy of all of my personal income tax returns filed for each of the three most recent taxation years;
- (b) a copy of every notice of assessment or re-assessment issued to me for each of the three most recent taxation years;
- (c) (*where you are an employee*) my most recent statement of earnings indicating the total earnings paid in the year to date, including overtime (*where that statement is not provided by an employer, a letter from your employer setting out that information, including your rate of annual salary or remuneration*);
- (d) (*where you are self-employed*) for the three most recent taxation years:
 - (i) the financial statements of my business or professional practice, other than a partnership; and
 - (ii) a statement showing a breakdown of all salaries, wages, management fees or other payments or benefits paid to, or on behalf of, persons or corporations with whom I do not deal at arm's length;
- (e) (*where you are a partner in a partnership*) confirmation of my income and draw from, and capital in, the partnership for its three most recent taxation years;

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(f) *(where you control a corporation)* for the corporation's three most recent taxation years:

- (i) the financial statements of the corporation and its subsidiaries; and
- (ii) a statement showing the breakdown of all salaries, wages, management fees or other payments or benefits paid to, or on behalf of, persons or corporations with whom the corporation and every related corporation does not deal at arm's length; and

(g) *(where you are a beneficiary under trust)* a copy of the trust settlement agreement and copies of the trust's three most recent financial statements.

PART I – MONTHLY INCOME

(give actual amounts where known or ascertainable; otherwise, give estimates.)

Annual income calculated in accordance with section 16
of the *Child Support Guidelines*
(where maintenance is claimed pursuant to
section 3 of The Family
Maintenance Act, 1997) or

Gross employment income from all sources \$ _____
(where maintenance is claimed pursuant to
section 5 or clause 9(1)(f) of The Family
Maintenance Act, 1997)

Child Tax Credit _____

Employment Insurance _____

Worker's compensation _____

Pension *(specify)* _____

Public assistance _____

Investment income _____

Rental income _____

Other *(specify)* _____

TOTAL INCOME FROM ALL SOURCES \$ _____

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PART II – ACTUAL MONTHLY EXPENSES

(Convert all yearly and weekly expenses to monthly amounts. Give actual amounts where known or ascertainable; otherwise give estimates)

| | | | |
|-----------------------------|----------|---|----------|
| DEDUCTIONS FROM INCOME: | | SUB-TOTAL | \$ _____ |
| Income tax | \$ _____ | Food, groceries and household supplies | _____ |
| Employment insurance | _____ | Meals outside home | _____ |
| Canada Pension Plan | _____ | Hairdresser | _____ |
| Union dues | _____ | Toilet articles (shampoo, toothpaste, etc.) | _____ |
| Employer pension | _____ | Clothing, footwear | _____ |
| Group insurance | _____ | Laundry, dry cleaning | _____ |
| Payroll savings plan | _____ | Miscellaneous | _____ |
| Other (specify) _____ | _____ | Transportation: | |
| TOTAL DEDUCTIONS | \$ _____ | Public transit, etc. | _____ |
| Housing: | | Car expenses | _____ |
| Rent or mortgage | \$ _____ | Parking | _____ |
| Common expense charges | _____ | Other (specify) _____ | _____ |
| Property Tax | _____ | Education and recreation: | |
| Telephone | _____ | Entertainment | _____ |
| Water | _____ | Recreation | _____ |
| Electricity | _____ | Pets | _____ |
| Natural Gas | _____ | Vacation | _____ |
| Heating | _____ | Gifts | _____ |
| Cable T.V. | _____ | School fees, etc. | _____ |
| Repair and maintenance | _____ | Alcohol, tobacco | _____ |
| Other (specify) _____ | _____ | Newspapers, periodicals | _____ |
| Health and Medical: | | Children's allowances, activities, lessons | _____ |
| Insurance | _____ | Support for others | _____ |
| Drugs | _____ | Access costs | _____ |
| Dental and eye care | _____ | TOTAL MONTHLY EXPENSES | \$ _____ |
| Other (specify) _____ | _____ | | |
| Debt Payments: | _____ | | |
| Credit cards | _____ | | |
| Car Payment | _____ | | |
| Bank loan | _____ | | |
| Other loans (specify) _____ | _____ | | |

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Banking, legal, accounting _____

Life Insurance _____

Church, charities _____

Babysitting, day care _____

Professional dues _____

Income tax, pension
contributions, employment
insurance (not deducted
from income) _____

Savings for RRSP (excluding
payroll deductions) _____

SUB-TOTAL \$ _____

PART III – ASSETS AND DEBTS**ASSETS**

Real Estate: \$ _____

Personal Property: _____

Car _____ \$ _____
(describe)

Other (specify) _____ \$ _____

_____ \$ _____

_____ \$ _____

Securities (shares,
bonds, etc.) \$ _____

Savings and Pensions \$ _____
(including cash)

TOTAL ASSETS \$ _____

DEBTS

Bank Loans \$ _____

Credit & Charge
Cards (specify) _____ \$ _____

_____ \$ _____

_____ \$ _____

_____ \$ _____

Finance Company \$ _____

Other: (specify) _____ \$ _____

_____ \$ _____

_____ \$ _____

_____ \$ _____

TOTAL DEBTS \$ _____

(Attach schedule where necessary)

FAMILY MAINTENANCE, 1998

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SUMMARY

| | |
|------------------------|----------|
| MONTHLY INCOME | \$ _____ |
| TOTAL MONTHLY EXPENSES | \$ _____ |
| BALANCE | \$ _____ |
| TOTAL ASSETS | \$ _____ |
| TOTAL DEBTS | \$ _____ |
| NET WORTH | \$ _____ |

SWORN before me at _____,)

Saskatchewan this _____ day of)

_____, _____ .)

) _____
) *(Signature of deponent)*

A COMMISSIONER FOR OATHS in and)

for Saskatchewan,)

Being a solicitor, or)

My appointment expires _____.)

FORM E
[*Clause 4(e)*]
IN THE PROVINCIAL COURT
OF SASKATCHEWAN

BETWEEN:

CLAIMANT

AND

RESPONDENT

Waiver of Financial Statements

The claimant and the respondent waive Financial Statements with respect to claims made in this action.

Dated at _____ this _____ day of _____, ____.

(*Signature of Respondent or Respondent's Lawyer*)

(*Signature of Claimant or Claimant's Lawyer*)

FORM F
[Clause 4(f)]
IN THE PROVINCIAL COURT
OF SASKATCHEWAN

BETWEEN:

CLAIMANT

AND

RESPONDENT

Affidavit of Personal Service

I, _____, of _____ in Saskatchewan, make
(name of person) (residence)

oath and say:

1. On the _____ day of _____, _____, I personally served _____,
(name of person served)
with a true copy of the _____ attached hereto and marked Exhibit "A"
(name of document served)
by leaving a true copy with (him/her) at _____.
(business or residence address)

2. My means of knowledge as to the identity of _____
(name of person served)
are as follows: _____

3. To effect service, I necessarily travelled _____ kilometres.

SWORN before me at _____,)
Saskatchewan this _____ day of _____)
_____, _____)
_____) _____
(Signature of deponent)

A Commissioner for Oaths in and)
for Saskatchewan,)
being a solicitor, or)
My appointment expires _____.)

FORM G
[Clause 4(g)]

Certificate of Service

I, _____, certify that on the _____ day of _____, _____,
(name of person)

I served _____ at _____
(name of person served) (business or residence address)

with a copy of this document.

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

(Sheriff, Deputy Sheriff, Sheriff's Bailiff J.C.
of _____)

FORM H
[Clause 4(h)]
IN THE PROVINCIAL COURT
OF SASKATCHEWAN

BETWEEN:

CLAIMANT

AND

RESPONDENT

Affidavit of Service by Registered or Certified Mail

I, _____ of _____, Saskatchewan,
(name of person) (residence)

MAKE OATH AND SAY:

1. That I served, _____, with a true copy of the _____
(name of person served) (name of document served)
attached to this Affidavit and marked Exhibit "A", by mailing it by (registered mail or
certified mail, as the case may be) addressed as follows: _____

2. That attached to this Affidavit and marked Exhibit "B" is the post office
acknowledgement of receipt card or proof of delivery card, as the case may be, for it
purporting to be signed by or on behalf of the addressee on the _____ day
of _____, _____ (or, where the receipt is undated: which was returned
on the _____ day of _____, _____).

3. That the basis of my information and belief as to the postal address of the addressee
is: _____

SWORN before me at _____,)
Saskatchewan this _____ day of _____)
_____, _____)
_____) _____
(Signature of deponent)

A Commissioner for Oaths in and _____)
for Saskatchewan, _____)
being a solicitor, or _____)
My appointment expires _____.)

FORM I
[*Clause 4(i)*]
IN THE PROVINCIAL COURT
OF SASKATCHEWAN

BETWEEN:

CLAIMANT

AND

RESPONDENT

Affidavit of Service by Fax

I, _____ of _____, Saskatchewan,
(*name of person*) (*residence*)

MAKE OATH AND SAY:

1. That I served, _____, with a true copy of the _____
(*name of person served*) (*name of document served*)
attached to this Affidavit and marked Exhibit "A", by sending it by fax to the following
fax number: _____

2. That attached to this Affidavit and marked Exhibit "B" is the transmission record
or journal generated by the fax machine that indicates that the date of transmission
was the _____ day of _____, _____ and that the transmission was
successful.

3. That the basis of my information and belief as to the fax number of the person served
is: _____

SWORN before me at _____,)

Saskatchewan this _____ day of _____)

_____, _____)

) _____
(*Signature of deponent*)

A Commissioner for Oaths in and _____)

for Saskatchewan, _____)

being a solicitor, or _____)

My appointment expires _____.)

FORM J
[Clause 4(j)]
IN THE PROVINCIAL COURT
OF SASKATCHEWAN

BETWEEN:

CLAIMANT

AND

RESPONDENT

Subpoena

Province of Saskatchewan

TO:

You are commanded to appear before a Judge at _____

(state urban centre at which hearing is to be held and the location or description of the building in which the hearing is to be held)

on the _____ day of _____, _____ at the hour of _____ o'clock
(state whether a.m. or p.m.) and, in case the hearing is adjourned, to appear on the dates
to which it is adjourned, to give evidence on behalf of the _____ .
(Claimant / Respondent)

Optional: And you are required to bring with you and produce at the hearing:
(specify books, papers, documents or other thing to be produced)

TAKE NOTICE THAT IF YOU FAIL TO APPEAR AND TESTIFY YOU WILL BE
LIABLE IN THE SAME MANNER AS IF YOU DISOBEYED A SUBPOENA ISSUED
BY THE COURT OF KING'S BENCH FOR SASKATCHEWAN.

Dated at _____, Saskatchewan, the _____ day of _____, _____ .

(Judge or Clerk of the Provincial Court of
Saskatchewan)

FORM K
[Clause 4(k)]
IN THE PROVINCIAL COURT
OF SASKATCHEWAN

BETWEEN:

APPLICANT

AND

RESPONDENT

Notice of Application for Variation

TO THIS HONOURABLE COURT:

CLAIM

1. I/We ask this Honourable Court for an Order that the Order granted by this Honourable Court on the _____ day of _____, _____ be varied as follows:

SUMMARY OF FACTS

2. Where the application is for variation of maintenance for a child pursuant to section 3 of *The Family Maintenance Act, 1997*:

(a) Current order provides for maintenance for the following child(ren) pursuant to section 3 of *The Family Maintenance Act, 1997*:

Name

Date of Birth

| | |
|-------|-------|
| <hr/> | <hr/> |
| <hr/> | <hr/> |
| <hr/> | <hr/> |
| <hr/> | <hr/> |

in the following terms:

- (b) Particulars of current maintenance arrangements:

(c) Particulars of proposed changes:

(d) Amount of arrears under current order:

3. Where the application is for variation of spousal maintenance:

(a) Current order provides for maintenance as follows:

(b) Particulars of current maintenance arrangements:

(c) Particulars of proposed changes:

(d) Amount of arrears under current order:

4. Where the application is for variation of maintenance for the birth parent of a child:

(a) Current order provides for maintenance as follows:

(b) Particulars of current maintenance arrangements:

(c) Particulars of proposed changes:

(d) Amount of arrears under current order:

F-6.2 REG 1**FAMILY MAINTENANCE, 1998**

5. The variation described above is sought based on the following change in circumstances of the parties since the date of the current maintenance order:

6. The Financial Statement of the Applicant is attached to this Notice. *(A Financial Statement need not be filed if maintenance is sought only for a spouse and the parties consent to waive this requirement, in which case the Waiver of Financial Statements must be signed by you and your spouse and filed with the court. If an application is made for maintenance for a child pursuant to section 3 of The Family Maintenance Act, 1997, the Child Support Guidelines require the following information be filed:*

Part I of the Financial Statement: by the respondent on all applications; by the claimant on all applications where the claimant's income information is required by the court.

Parts II and III of the Financial Statement: by the claimant and respondent in all applications where undue hardship or other exceptions to the table are claimed.)

_____ Financial Statement

_____ Waiver of Financial Statements

_____ Maintenance for a child pursuant to section 3 of *The Family Maintenance Act, 1997* is sought in accordance with the table.

MEDIATION

7. The mediation facilities used to negotiate maintenance issues in dispute in this matter are as follows:

MAINTENANCE AGREEMENTS

8. The details of any written or oral maintenance agreements between the parties made since the date of the order sought to be varied are:

(Indicate the date of the agreement or arrangement, whether the agreement or arrangement is now in effect, the maintenance provisions in the agreement or arrangement, and, if there are arrears of payment of maintenance, the amount of the arrears. Where it is requested that provisions of an agreement be incorporated in the order refer to the specific provisions to be incorporated.)

Dated at _____ this _____ day of _____, ____.

(Signature of Applicant or Applicant's Lawyer)

STATEMENT OF LAWYER

I, _____, lawyer for the applicant, _____,
(name of lawyer) *(name of applicant)*

certify to this Court that I have complied with the requirements of subsection 16(1) of *The Family Maintenance Act, 1997* with respect to mediation. (*Where the circumstances of the case are of such a nature that it would clearly not be appropriate to comply, set out the circumstances.*)

Dated at _____ this _____ day of _____, ____.

(Signature of Lawyer)

This document was delivered by _____, _____, and the address for
(firm name) (business address)

service is:

Lawyer in charge of file:

Telephone:

(Or, where applicant is not represented by a lawyer:)

This document was delivered by _____ of _____ ,
(applicant) (business or residence address)

(telephone)

and the address for service is:

FORM L
(Clause 4(l))
IN THE PROVINCIAL COURT
OF SASKATCHEWAN

BETWEEN:

CLAIMANT

AND

RESPONDENT

BEFORE HIS/HER HONOUR) ON _____
JUDGE _____ AT) THE ____ DAY OF _____
_____, SASKATCHEWAN) _____, _____

Order

On the application of _____ and
on hearing counsel for the claimant (*or* the claimant) and on hearing counsel for the
respondent (*or* the respondent *or* no one having appeared for the respondent) and on
hearing read the material filed, it is ordered, directed and adjudged:

1. (*Include if applicable*) That the order made by _____ of _____
on the _____ day of _____, _____ which provided for payment of
maintenance as follows: _____
be varied in accordance with this order.
2. That the respondent's gross annual income is \$ _____.
3. That the respondent _____ of _____
in the Province of _____, shall pay to the claimant
_____ of _____ in the Province
of _____, the sum of \$ _____
for the maintenance of the following child(ren) pursuant to section 3 of *The Family
Maintenance Act, 1997*:

NameDate of Birth

| | |
|-------|-------|
| _____ | _____ |
| _____ | _____ |
| _____ | _____ |
| _____ | _____ |

commencing on the _____ day of _____,
and payable on the _____ day of each and every month thereafter until _____
(or as may be applicable).

4. That in addition to the amounts ordered to be paid pursuant to paragraph 3, the respondent shall pay to the claimant the amount or proportion of the following special or extraordinary expenses of the following child(ren) pursuant to section 3 of *The Family Maintenance Act, 1997*:

| <u>Child's Name</u> | <u>Amount or proportion of expense</u> | <u>Special or extraordinary expenses</u> | <u>Duration of payment</u> |
|---------------------|--|--|--------------------------------|
| _____ | _____ | _____ | _____ |
| _____ | _____ | _____ | _____ |
| _____ | _____ | _____ | _____ |
| _____ | _____ | _____ | _____ |

For the purpose of making the order for payment of special or extraordinary expenses:

- (a) the annual gross income of the claimant is found to be \$ _____ ; and
- (b) the means of the child who is 18 years of age or older is found to be \$ _____ .
5. *(Include if applicable)* The amount ordered varies from the *Child Support Guidelines* table for the following reasons:
- (If the variation is granted on the basis of undue hardship, the following should be included)* based on the following income information:
- Total gross annual income of the claimant: \$ _____
- Total gross annual income of the respondent: \$ _____
6. That costs in the amount of \$ _____ are ordered to be paid by _____ to _____.
7. Payment of the amount ordered shall be secured as follows:

(Judge or Clerk of the Provincial Court)

