

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 and 46/2022.

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.

Table of Contents

	PART 1		
	Preliminary Matters		
1	Title	21.16	Eligibility for recalculation
2	Interpretation	21.2	Notification of and response by other party
3	Guidelines adopted	21.21	Notification by recalculation service
		21.22	Notification to recalculation service
		21.23	Access to information
	PART 2	21.24	Recalculated amount
	Forms, Notices and Procedures – General	21.25	Recalculation decision
4	Forms	21.3	Correction
5	Preparation of Notice to appear	21.31	Recalculation deemed to be part of order
6	Time limits for service	21.32	Application to court
7	Raising of issues	21.33	Recalculation without updated income information
8	Answer or counterclaim	21.34	Immunity
9	Transfer of application to court	21.35	Use and disclosure of information
10	Financial statements	21.36	Prospective recalculation
11	Subpoenas		PART 4
12	Service of subpoenas		Repeal and Coming into Force
13	Witness expenses	22	R.R.S. c.F-6.1 Reg 2 repealed
14	Proceedings	23	Coming into force
15	Telephone evidence		Appendix
16	Hearing and determination of cause	Form A	Notice of Application
17	Proof of service	Form B	Notice to Appear
18	Deemed date of service	Form C	Answer/Counterclaim
19	Deemed service	Form D	Financial Statement
20	Form of order	Form E	Waiver of Financial Statements
21	Variation applications	Form F	Affidavit of Personal Service
		Form G	Certificate of Service
	PART 3	Form H	Affidavit of Service by Registered or Certified Mail
	Child Support Recalculation	Form I	Affidavit of Service by Fax
21.1	Definitions for Part	Form J	Subpoena
21.11	Child support recalculation service established	Form K	Notice of Application for Variation
21.12	Inclusion of mandatory clause	Form L	Order
21.13	Orders directing recalculation by Director of Maintenance Enforcement		
21.14	Application to recalculation service		
21.15	Decline to recalculate		

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*.

Interpretation

2 In these regulations:

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

“**Child Support Guidelines**” means the *Federal Child Support Guidelines* established pursuant to section 26.1 of the *Divorce Act* (Canada); («*Lignes directrices sur les pensions alimentaires pour enfants*»)

“**clerk**” means a clerk of the Provincial Court appointed pursuant to *The Court Officials Act, 1984*; («*greffier*»)

“**court**” means, unless otherwise specified, the Provincial Court of Saskatchewan established pursuant to *The Provincial Court Act*; («*tribunal*»)

“**Form**” means the appropriate form prescribed in the Appendix; («*formule*»)

“**judge**” means a judge appointed pursuant to *The Provincial Court Act*; («*juge*»)

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

6 Mar 98 cF-6.1 Reg 1 s2; 23 Mar 2018 SR
19/2018 s4.

Guidelines adopted

3(1) The *Child Support Guidelines*, as amended from time to time, are adopted for the purposes of maintenance orders pursuant to section 3 or 4 of the Act and the recalculation of eligible child support orders and agreements pursuant to Part 3 of these regulations.

(2) In applying the *Child Support Guidelines* for the purposes of the Act and these regulations:

(a) a reference to “spouse” in the *Child Support Guidelines* is to be read as a reference to parent as defined in section 2 or 4 of the Act, or to another person bringing an application in accordance with section 12 of the Act, as the case may require; and

(b) a reference to “child of the marriage” in clauses 10(2)(d) and 19(1)(a) of the *Child Support Guidelines* is to be read as “child of the parents”.

23 Mar 2018 SR 19/2018 s5; 11 Sep 2020 SR
101/2020 s3.

PART 2
Forms, Notices and Procedures – General

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 this 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..

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 to court

9 Where an application pursuant to the Act is transferred from the Court of Queen's Bench to the Provincial Court of Saskatchewan:

- (a) the Petition filed in the transferring court is deemed to be the Notice of Application;
- (b) any Answer or Answer and Counter-Petition filed in the transferring court is deemed to be the Answer/Counterclaim;
- (c) the Financial Statement or Waiver of Financial Statements filed in the transferring court is deemed to be the Financial Statement or Waiver of Financial Statements; and
- (d) either 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.

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 or 4 of the Act and is required by the *Child Support 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 or 4 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 *Child Support 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 or 4 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 or 4 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 *Child Support 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 Queen's Bench, and any witness who does not attend in obedience to a Subpoena is liable in the same manner as if he or she disobeyed a Subpoena issued out of that court.

6 Mar 98 cF-6.1 Reg 1 s11.

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 Queen's Bench Rules*.

6 Mar 98 cF-6.1 Reg 1 s13.

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 he or she considers appropriate in the circumstances.

6 Mar 98 cF-6.1 Reg 1 s18.

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.

Form of Order

20 For the purposes of the Act, the Order, as prescribed in Form L, may be used as the form of order where an application pursuant to section 3 or 4 of the Act is granted.

6 Mar 98 cF-6.1 Reg 1 s20.

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
Child Support Recalculation

Definitions for Part

21.1 In this Part:

“agreement” means an agreement for child support or for maintenance of a child that is filed in accordance with section 11 of the Act; (« *accord* »)

“applicant” means the payor or recipient who applies for recalculation; (« *auteur de la demande* »)

“child support order” means:

- (a) an order for maintenance for a child made pursuant to the Act;
- (b) a child support order made pursuant to the *Divorce Act* (Canada);
- (c) an order for child support made pursuant to an enactment of another province or territory respecting family law if the order has been registered pursuant to *The Inter-jurisdictional Support Orders Act*;
- (d) an arbitration award for child support made pursuant to *The Arbitration Act, 1992*; or
- (e) a calculation determination or a recalculation determination respecting child support made by the calculation office or the recalculation office of another jurisdiction in Canada;

but does not include a child support order that has no force or effect until it is confirmed by a court with jurisdiction to do so; (« *ordonnance d’entretien d’enfant* »);

“court” means:

- (a) the Provincial Court of Saskatchewan; or
- (b) the Family Law Division of the Court of Queen’s Bench; (« *tribunal* »)

“Crown” means the Crown in right of Saskatchewan and includes a ministry, agency, board or other body of the Government of Saskatchewan and a Crown corporation; (« *Couronne* »)

“director” means the Director of Maintenance Enforcement appointed pursuant to *The Enforcement of Maintenance Orders Act, 1997*; (« *directeur* »)

“income information” means:

- (a) a copy of the payor’s personal income tax return filed for the most recent taxation year;
- (b) a copy of every notice of assessment and reassessment issued to the payor for the most recent taxation year;
- (c) other information requested by or provided to the recalculation 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 recalculation 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; and

(f) the completed financial statement provided by the recalculation service; (« *renseignements sur le revenu* »)

“manager” means the manager of the recalculation service designated pursuant to section 21.11; (« *gestionnaire* »)

“minister” means the member of the Executive Council to whom for the time being the administration of the Act is assigned; (« *ministre* »)

“payor” means a person who has an obligation to pay pursuant to a child support order, an agreement or a previous recalculation decision; (« *payeur* »)

“recalculated amount” means the child support payable after recalculation; (« *aliments recalculés* »)

“recalculation decision” means a decision of the recalculation service made pursuant to section 21.25; (« *décision recalculatoire* »);

“recalculation officer” means an officer appointed pursuant to section 21.11 to recalculate the amount of child support payable under a child support order or an agreement; (« *agent recalculateur* »)

“recalculation service” means the Saskatchewan Child Support Recalculation Service established pursuant to section 21.11; (« *service des recalculs* »)

“recipient” means:

(a) the recipient of child support or maintenance for a child pursuant to a child support order, an agreement or a previous recalculation decision; or

(b) if an assignment of rights is made pursuant to section 6 of *The Enforcement of Maintenance Orders Act, 1997*, the minister as defined in that Act to the extent of the assignment. (« *réceptionnaire* »)

23 Mar 2018 SR 19/2018 s7; 11 Sep 2020 SR
101/2020 s4; 24 Jne 2022 SR 46/2022 s4.

Child support recalculation service established

21.11(1) A child support recalculation service to be known as the Saskatchewan Child Support Recalculation Service is established.

(2) The minister may, by order, designate any individual as the manager of the recalculation service.

(3) The minister may appoint a recalculation officer as an officer of the court to recalculate the amount of child support payable under a child support order, an agreement or a previous recalculation decision.

23 Mar 2018 SR 19/2018 s7; 11 Sep 2020 SR
101/2020 s5; 24 Jne 2022 SR 46/2022 s5.

Inclusion of mandatory clause

21.12(1) Subject to subsection (2), the court shall include the following clause in every child support order:

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

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

If the payor fails to comply with the income disclosure requirements of the recalculation service, the payor's income may be deemed to have increased as set out in section 21.33 of *The Family Maintenance Regulations, 1998*.

(2) If the court determines that a recalculation of the amount of child support payable under a child support order would be inappropriate, the court shall include the following clause in the child support order:

The amount of child support in this order shall not be recalculated by the Saskatchewan Child Support Recalculation Service.

(3) If a child support order made after the day on which this section comes into force does not contain one of the clauses set out in subsections (1) and (2), the order is deemed to include the clause set out in subsection (1).

(4) Every agreement entered into after the day on which *The Family Maintenance Amendment Regulations, 2020* came into force that does not expressly prohibit the amount of child support payable under the agreement to be recalculated by the recalculation service is deemed to contain the following clause:

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

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

If the payor fails to comply with the income disclosure requirements of the recalculation service, the payor's income may be deemed to have increased as set out in section 21.33 of *The Family Maintenance Regulations, 1998*.

23 Mar 2018 SR 19/2018 s7; 11 Sep 2020 SR
101/2020 s6.

Orders directing recalculation by Director of Maintenance Enforcement

21.13 If the court orders the director to recalculate the amount of child support payable under a child support order, the recalculation may be performed by the recalculation service if the child support order is otherwise eligible for recalculation in accordance with these regulations.

23 Mar 2018 SR 19/2018 s7; 11 Sep 2020 SR 101/2020 s7.

Application to recalculation service

21.14(1) A payor or a recipient may apply to the recalculation service in a form provided by the manager for a recalculation of the amount of child support payable under a child support order, an agreement or a previous recalculation decision.

(2) The form mentioned in subsection (1) must include the following information:

- (a) the applicant's own 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 tax year;
- (f) the current child support amount;
- (g) a copy of the child support order or the agreement, as the case may be;
- (g.1) a copy of the previous recalculation decision, if any;
- (h) the file number used by the Maintenance Enforcement Office within the meaning of *The Enforcement of Maintenance Orders Act, 1997*, if applicable;
- (i) any information required by the recalculation service for the purpose of determining whether the child support order or the agreement, as the case may be, is eligible for recalculation.

(3) No application for recalculation shall be made until at least 6 months have expired since the date of the most recent order, agreement or recalculation decision respecting the amount of child support payable.

23 Mar 2018 SR 19/2018 s7; 11 Sep 2020 SR 101/2020 s8; 24 Jne 2022 SR 46/2022 s6.

Decline to recalculate

21.15(1) The recalculation service may decline an application for recalculation of the amount of child support payable if:

- (a) the child support order, agreement or previous recalculation decision, as the case may be, is not eligible for recalculation in accordance with section 21.16;
- (b) the recalculation service is aware that a date has been set for the court to hear an application respecting the amount of child support payable; or

- (c) in the opinion of the recalculation service, recalculation:
 - (i) may be impracticable or too complex for the recalculation service to perform; or
 - (ii) may, in the circumstances, produce an unjust result.
- (2) The recalculation service shall not recalculate the amount of child support payable until the recalculation service is satisfied that both the payor and the recipient know of the application.
- (3) Nothing in a court order shall be construed so as to prevent the recalculation service from declining an application for recalculation in accordance with this section.
- (4) If the recalculation service declines an application for recalculation, it shall notify the applicant.

23 Mar 2018 SR 19/2018 s7; 11 Sep 2020 SR
101/2020 s9; 24 Jne 2022 SR 46/2022 s7.

Eligibility for recalculation

21.16(1) Subject to subsection (2), on receiving an application pursuant to section 21.14, the recalculation service may recalculate the amount of child support payable:

- (a) under a child support order, if the child support order was made on or after May 1, 1997;
 - (b) under an agreement, if the agreement was made on or after March 15, 2018; or
 - (c) under a recalculation decision made on or after March 15, 2018.
- (2) Notwithstanding subsection (1) and subsections 21.12(1) and (3), a child support order or an agreement, as the case may be, is not eligible for recalculation in accordance with subsection (1) if:
- (a) the child support order or the agreement, as the case may be, indicates that:
 - (i) the amount of child support payable under the child support order or the agreement must not be recalculated by the recalculation service; or
 - (ii) the recalculation of the amount of child support payable under the child support order or the agreement must be based on income information not included in the definition of 'income information' 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;
 - (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 or the agreement;
 - (e) the order 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 custody arrangement in place, unless the amount of child support payable under the shared custody 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 or the agreement.
- (3) Subject to subsection 21.14(3), a recalculation decision is eligible for recalculation.

11 Sep 2020 SR 101/2020 s10; 24 Jne 2022 SR 46/2022 s8.

Notification of and response by other party

21.2(1) If on application of the payor or the recipient, a child support order, an agreement or a recalculation decision is eligible for recalculation, the recalculation service shall notify the other party.

(2) No later than 30 days after the recalculation service sends the notification mentioned in subsection (1), the responding party shall provide to the recalculation service the following information:

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

23 Mar 2018 SR 19/2018 s7; 11 Sep 2020 SR 101/2020 s11; 24 Jne 2022 SR 46/2022 s9.

Notification by recalculation service

21.21 Any notice or information that the recalculation 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 seventh 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.

23 Mar 2018 SR 19/2018 s7.

Notification to recalculation service

21.22 Any notice or information that a payor or a recipient is required to provide to the recalculation 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 seventh 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.

23 Mar 2018 SR 19/2018 s7.

Access to information

21.23(1) The recalculation service may, in writing, request any person, including a payor, a recipient or any public body, including the Crown, to provide in writing any information in the possession or control of the person or public body about the payor or the recipient respecting:

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

(2) A request for information made by the recalculation service pursuant to subsection (1) may be served:

- (a) personally;
- (b) by sending it by ordinary mail, in which case it is deemed to be served on the seventh 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) Notwithstanding any provision in any Act or regulation, a person or any public body, including the Crown, served with a request from the recalculation service pursuant to subsection (1) shall provide the requested information within 21 days after service of the request.

(4) If the recalculation service does not receive information requested pursuant to subsection (1) within 21 days after service of the request, the recalculation service may take any action it considers advisable, including the following:

- (a) applying to the court for an order pursuant to subsection (5);

- (b) recalculating the amount of child support payable on the basis of a payor's deemed income pursuant to section 21.33, if the payor has not provided the requested information.
- (5) On an application by the manager, the court may make an order, subject to any terms and conditions that the court considers advisable, compelling a person or any public body, including the Crown, to give the requested information to the recalculation service.

23 Mar 2018 SR 19/2018 s7; 11 Sep 2020 SR
101/2020 s12; 24 Jne 2022 SR 46/2022 s10.

Recalculated amount

21.24 Subject to section 21.33, after receiving the necessary income information, the recalculation officer shall:

- (a) determine the income of the payor; and
- (b) recalculate the amount of child support payable in accordance with the table.

23 Mar 2018 SR 19/2018 s7.

Recalculation decision

21.25(1) If recalculation produces a change in the amount of child support payable, the recalculation service shall provide the payor and the recipient with a recalculation decision that includes:

- (a) the recalculated amount, specifying the amount of child support determined in accordance with the table;
 - (b) the name and date of birth of each child with respect to whom the support is payable;
 - (c) the income of the payor used to determine the recalculated amount and the method by which that income was determined;
 - (d) the effective date of the recalculated amount and the date on which the first payment is due following the date of the recalculation decision; 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 21.32.
- (2) If recalculation produces no change in the amount of child support payable, or a difference of less than \$10 per month, the recalculation service shall notify the payor and the recipient that there is no change in the amount of child support payable.
- (3) The recalculation service may send to the director the recalculation decision pursuant to this section, whether or not it results in a change in the amount of child support payable.

(4) The recalculation decision pursuant to this section shall be filed with the court, whether or not it results in a change in the amount of child support payable.

23 Mar 2018 SR 19/2018 s7; 11 Sep 2020 SR
101/2020 s13; 24 Jne 2022 SR 46/2022 s11.

Correction

21.3(1) If, after the recalculation service issues a recalculation decision, the recalculation service discovers a mistake in the recalculation decision, including a clerical error, the recalculation service may:

- (a) correct the mistake and issue an amended recalculation decision; or
 - (b) if the decision should not have been issued, issue a notice that the decision has been revoked.
- (2) A recalculated amount that has been corrected pursuant to this section takes effect on the day on which the recalculated amount would have taken effect if there had been no mistake.
- (3) An amended recalculation decision or a notice of revocation mentioned in subsection (1) must be sent to the payor and the recipient and filed with the court, and may be sent to the director in accordance with subsection 21.25(3).
- (4) If the payor or the recipient disagrees with a recalculated amount that has been corrected pursuant to this section, the person may apply to the court in accordance with section 21.32.

23 Mar 2018 SR 19/2018 s7; 11 Sep 2020 SR
101/2020 s14; 24 Jne 2022 SR 46/2022 s12.

Recalculation deemed to be part of order

21.31 Subject to subsection 25.1(5) of the *Divorce Act* (Canada), on the day on which the first payment of the recalculated amount is payable in accordance with section 21.25, the recalculated amount is deemed to be the amount of child support payable under a child support order or an agreement, as the case may be.

23 Mar 2018 SR 19/2018 s7; 11 Sep 2020 SR
101/2020 s15.

Application to court

21.32(1) The payor or the recipient under a child support order who does not agree with the recalculated amount may apply to the court within 30 days after receiving notification respecting the recalculated amount:

- (a) to discharge, vary or suspend the child support order in accordance with section 10 of the Act; or
- (b) to vary, rescind or suspend the child support order in accordance with the *Divorce Act* (Canada).

- (2) The payor or the recipient under an agreement who does not agree with the recalculated amount may apply to the court within 30 days after receiving notification respecting the recalculated amount for an order pursuant to section 3 or 4 of the Act.
- (3) An application pursuant to subsection (1) or (2) must:
- (a) state that the person applying does not agree with the recalculated amount; and
 - (b) include a copy of the recalculation decision received pursuant to section 21.25 or the amended recalculation decision received pursuant to section 21.3, as the case may be.
- (4) At the time an application pursuant to subsection (1) or (2) is commenced, the person who commenced the application shall notify the recalculation service in writing and include:
- (a) a copy of any document filed with the court to commence the application; and
 - (b) if a date has been set for the court to hear the application, the date, time and place of the hearing.
- (5) If an application has been commenced pursuant to subsection (1) or (2), the operation of the recalculation decision is suspended and the amount of child support payable under the child support order, agreement or previous recalculation decision, as the case may be, continues in effect as if the recalculation decision had not been made.
- (6) If an application commenced pursuant to subsection (1) or (2) is withdrawn or is dismissed by the court, the recalculated amount is due in accordance with the recalculation decision as if the application had not been commenced.
- (7) For the purposes of this section, commencing an application includes complying with any mandatory prerequisites or requirements of the court with respect to the application.

11 Sep 2020 SR 101/2020 s18; 24 Jne 2022 SR
46/2022 s13.

Recalculation without updated income information

- 21.33(1)** If a payor fails to provide updated income information, the deemed income of the payor is the sum of:
- (a) the payor's income used to determine the current amount of child support payable; and
 - (b) the amount equal to the product obtained by multiplying the payor's income described in clause (a) by the applicable percentage determined in accordance with subsection (2).
- (2) The applicable percentage is to be determined based on the amount of time that has elapsed since the payor's income was last determined in accordance with clause (1)(a) as follows:
- (a) if less than 2 years has elapsed, 10%;
 - (b) if 2 years or more but less than 5 years has elapsed, 15%;

- (c) if 5 years or more but less than 10 years has elapsed, 20%;
 - (d) if 10 years or more has elapsed, 30%.
- (3) With respect to a child support order made pursuant to the *Divorce Act* (Canada) before March 15, 2018, the manager may apply to the court, on the notice that the court directs, for an order respecting the determination of the payor's income for the purposes of recalculation if:
- (a) the payor has failed to provide the recalculation service with income information as required pursuant to subsection 21.14(2) or 21.2(2); and
 - (b) no other person has provided income information relating to the payor to the manager or, if income information relating to the payor has been provided, the manager is not satisfied with the information.
- (4) With respect to an agreement made before September 15, 2020, the manager may apply to the court, on the notice that the court directs, for an order respecting the determination of the payor's income for the purposes of recalculation if:
- (a) the payor has failed to provide the recalculation service with income information as required pursuant to subsection 21.14(2) or 21.2(2); and
 - (b) no other person has provided income information relating to the payor to the manager or, if income information relating to the payor has been provided, the manager is not satisfied with the information.

23 Mar 2018 SR 19/2018 s7; 11 Sep 2020 SR
101/2020 s17; 24 Jne 2022 SR 46/2022 s14.

Immunity

21.34 No action or proceeding lies or shall be commenced against the Crown, the minister, the manager, a recalculation officer, the recalculation service or any employee of the recalculation service where that person is acting pursuant to the authority of the Act or these regulations, for anything in good faith done, caused or permitted or authorized to be done, attempted to be done or omitted to be done by that person or by any of those persons pursuant to or in the exercise or supposed exercise of any power conferred by the Act or these regulations or in the carrying out or supposed carrying out of any order made pursuant to the Act or these regulations or any duty imposed by the Act or these regulations.

23 Mar 2018 SR 19/2018 s7.

Use and disclosure of information

- 21.35(1)** Except in accordance with this section, no person shall disclose any information retained by the recalculation service.
- (2) The manager may disclose information retained by the recalculation service to the extent necessary for the purpose of administering the recalculation 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 recalculation and may rely on that information without further verification.

- (4) The manager may disclose information retained by the recalculation 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 recalculation 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 recalculate the amount of child support payable under a child support order or an agreement;
 - (b) may be relevant to an application made pursuant to section 21.32; or
 - (c) has been filed for use in a court proceeding in Saskatchewan or is otherwise available to the public.
- (6) The manager may disclose information retained by the recalculation service with respect to a recipient or a payor:
- (a) to a peace officer at his or her request, if the manager is satisfied that the request is reasonable;
 - (b) to the minister at his or her request;
 - (c) to persons acting on the manager's instructions with respect to the recalculation of the amount of child support payable under a child support order or an agreement; 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 recalculation 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.

23 Mar 2018 SR 19/2018 s7; 11 Sep 2020 SR
101/2020 s18.

Prospective recalculation

21.36 Subject to subsection 21.3(2), amounts recalculated by the recalculation service are payable on a prospective basis only, and no consideration shall be given to any amount that may be owing to any party for the support of the child at the time of the recalculation.

23 Mar 2018 SR 19/2018 s7.

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 or a person mentioned in section 4 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 son or daughter 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 a right of access to, or has physical custody of, the child/person 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 father pay in addition:

- _____ (a) expenses of the mother of the child with respect to prenatal care and birth of the child, in the amount of \$ _____;
- _____ (b) maintenance for the mother 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 mother 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):

<u>Name</u>	<u>Date of Birth</u>
_____	_____
_____	_____
_____	_____

_____ 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 mother 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. Where the application is for maintenance for a person described in section 4 of *The Family Maintenance Act, 1997*:

_____ I claim maintenance for the following person(s) described in section 4 of *The Family Maintenance Act, 1997*:

<u>Name</u>	<u>Date of Birth</u>
_____	_____
_____	_____
_____	_____

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 pursuant to section 3 or 4 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.)

- _____ Financial Statement
- _____ Waiver of Financial Statements
- _____ Maintenance for a child or a person mentioned in section 4 of *The Family Maintenance Act, 1997* is sought in accordance with the table.

- 6. Where the application is for maintenance for a child or a person mentioned in section 4 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)

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:

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 by reason of the fact that _____
(spousal/child/son or daughter 18 years of age or older)

(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 or a person mentioned in section 4 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 son or daughter 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 a right of access to, or has physical custody of, the child/ person 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 Dependand</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 father pay in addition:

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

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

F-6.2 REG 1

FAMILY MAINTENANCE, 1998

_____ 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 pursuant to section 3 or 4 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 or a person mentioned in section 4 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 son or daughter 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 a right of access to, or has physical custody of, the child/person 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: _____

_____ 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*);

F-6.2 REG 1

FAMILY MAINTENANCE, 1998

_____ 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 father pay in addition:

- _____ (a) expenses of the mother of the child with respect to prenatal care and birth of the child, in the amount of \$ _____;
- _____ (b) maintenance for the mother 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 mother 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: _____.

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 pursuant to section 3 or 4 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;

(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 or 4 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 \$ _____

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) _____	_____		

FAMILY MAINTENANCE, 1998

F-6.2 REG 1

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		DEBTS	
Real Estate:	\$ _____	Bank Loans	\$ _____
Personal Property:	_____	Credit & Charge Cards (<i>specify</i>)	
Car _____	\$ _____	_____	\$ _____
<i>(describe)</i>			
Other (<i>specify</i>) _____	\$ _____	_____	\$ _____
_____	\$ _____	_____	\$ _____
_____	\$ _____		
Securities (shares, bonds, etc.)	\$ _____	Finance Company	\$ _____
Savings and Pensions (including cash)	\$ _____	Other: (<i>specify</i>)	
		_____	\$ _____
		_____	\$ _____
TOTAL ASSETS	\$ _____	_____	\$ _____
		_____	\$ _____
		_____	\$ _____
		TOTAL DEBTS	\$ _____

(Attach schedule where necessary)

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 QUEEN'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 and/or for a person mentioned in section 4 of *The Family Maintenance Act, 1997*:

(a) Current order provides for maintenance for the following child(ren) and/or person(s) mentioned in section 4 of *The Family Maintenance Act, 1997*:

<u>Name</u>	<u>Date of Birth</u>
_____	_____
_____	_____
_____	_____
_____	_____

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 mother 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:

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 pursuant to section 3 or 4 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.)

- _____ Financial Statement
- _____ Waiver of Financial Statements
- _____ Maintenance for a child or a person mentioned in section 4 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)/person(s) mentioned in section 4 of *The Family Maintenance Act, 1997*:

<u>Name</u>	<u>Date of Birth</u>
_____	_____
_____	_____
_____	_____
_____	_____

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 children/persons mentioned in section 4 of *The Family Maintenance Act, 1997*:

<u>Child/Person'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, the annual gross income of the claimant is found to be \$ _____ and the means of the child/person _____ are 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)

6 Mar 98 cF-6.1 Reg 1.