

# STANDARDIZED CLAUSES FOR PROCEDURAL and ENFORCEMENT ORDERS

**NOTE: These clauses provide examples of wording that can be used for some common family law applications. This is not a complete list of every order the court can make. The clauses may need to be adapted to suit your specific application.**

## I. TRANSFER TO ANOTHER JUDICIAL CENTRE

1. Pursuant to Rule 15-11(3) of the Court of King's Bench, the above-described Family Law file shall be transferred from the Judicial Centre of \_\_\_\_\_ to the Judicial Centre of \_\_\_\_\_.

## II. SUBSTITUTED SERVICE

1. Pursuant to Rule 12-10(1) of the Court of King's Bench, substituted service of a true copy of the Petition [or other document] upon [name] shall be made in the following manner: - by delivering the copy and personally serving it on either of [name]'s parents, [full names] at [address] together with a copy of this Order for substituted service.

- by posting a true copy of the Petition [or other document] and this Order for substituted service to the front door of the last known address for [name] being [address].

- by sending a true copy of the Petition [or other document] along with this Order for substituted service by ordinary mail to [name] at the residence located at [address].

OR

- by sending electronically a true copy of the Petition [or other document] with this Order for substituted service to the last known email address of [name] [or ex. by message to the Facebook page of (name)].

2. Service in this manner shall be made on or before [date] and [name] shall file an affidavit confirming such service when completed.

3. Pursuant to Rule 15-9(b) of the Court of King's Bench, the time for service on [name] shall be extended such that it may be served within 6 months of the date of this Order.

4. Service on [name] shall be dispensed with.

## III. WITHOUT NOTICE ORDERS REGARDING MARRIAGE CERTIFICATES

1. Pursuant to Rule 15-18(2) of the Court of King's Bench, a Petition may issue without the filing of a certificate of marriage if the Petitioner files an undertaking to file that certificate within the following period of time: [time]

2. Pursuant to Rule 15-18(3) of the Court of King’s Bench, the requirement to submit an original certificate of the marriage or of the registration of the marriage between [name] and [name] is dispensed with.

#### **IV. DISPUTE RESOLUTION**

1. Pursuant to Rule 15-73(5) of the Court of King’s Bench, the parties shall attend an initial mediation session with [mediator services or name of mediator] on the issues of [type of issue] at a date and place to be set by [the mediator]. [Name] shall pay [\$ amount] or [%] of the mediator’s fees and expenses in the sum of [\$ amount] and [name] shall pay [\$] or (%). A fixed portion of these fees must be paid by each party by a date set by [name of the mediator]. [The mediator] shall report the outcome of the mediation to the Court in writing by [specify date].

2. The application is adjourned to [date which should not be more than 45 days unless exceptional circumstances apply]. The names, addresses and phone numbers of the following are: [set out names, etc. of the parties, their lawyers, and the mediator].

#### **V. CONTEMPT**

1. [Name] is declared to be in contempt of court by reason of their willful violation of the Order of the Honourable Justice [name] pronounced [date].

#### **VI. COSTS**

1. [Name] shall pay [all or a %] of the costs of [name] assessed pursuant to Column [#], Schedule I “B” of the Tariff of Costs of the Rules of the Court of King’s Bench.

2. [Name] shall pay the costs of [name] in an amount equal to [all or a %] of the legal fees and disbursements incurred by [name] in this proceeding.

3. [Name] shall have costs in the amount of [specify \$ amount]. [Only costs in a specific sum will be enforced by the Enforcement of Maintenance Orders office and only where child or spousal support forms the entire or part of the relief sought in the court proceeding.]

4. Each party shall bear his or her own costs of this action.