

Kit #2

Initial Application for Person of Sufficient Interest

(e.g. Grandparents or Step-Parents)

Self-Help Kit*

- Custody
- Access
- Child Support

You can use this kit to apply for any combination of the above court orders.
If the other party resides in another province, you will need a different kit to apply for support.

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

Family Law Information Centre

1-888-218-2822 (ext 2)

(306) 787-5837

svp@gov.sk.ca

*This self-help kit is not a substitute for professional legal advice. It does not address all possible situations nor does it cover all areas of applicable legislation. You use this kit entirely at your own risk. The legal process can be complicated and *it is recommended that you consult with a lawyer* before filing any documents and proceeding to court.

(November 2017)

TABLE OF CONTENTS

I.	Is this kit for me? -----	3
II.	What do I need to do?-----	5
III.	Completing the Forms -----	6
IV.	Serving Documents-----	12
V.	What can I expect from the Respondent? -----	13
VI.	Do I actually need to go to court? -----	13
VII.	What do I do after I've been to court? -----	15
VIII.	What if I have questions when I am using this kit?-----	15

CHECKLIST

Checklist -----	16
Judicial Centres in the Province of Saskatchewan -----	17

FORMS

Petition -----	19
Notice of Application -----	24
Affidavit-----	27
Notice to Attend Parenting Education Program -----	32
Notice to File Income Information -----	33
Affidavit of Service-----	35
Affidavit of Service-----	37

I. Is this Kit for Me?

This kit is designed for situations where the applicant is not one of the biological parents of the child. Commonly, this kit is requested by grandparents, step-parents, or some other family member who is seeking an order for custody/access and/or child support.

Will it help me obtain an interim custody or access order?

This kit will help you obtain an interim custody or access order where one has not previously been made in Saskatchewan. You can only use this kit if you do not have an existing custody or access court order through the courts in Saskatchewan. If you already have an order from a court in Saskatchewan that you wish to change, you will need a different kit. If you have an existing custody/access agreement, and wish to change the terms of the agreement, you can still use this kit.

“Custody” is a individual’s right and responsibility to care for a child. Custody includes the legal right to make decisions regarding a child’s schooling, religious upbringing, health care and participation in extracurricular activities.

“Sole custody” is where only one party has the right or responsibility to care for the child. Usually the child lives primarily with the party who has sole custody.

“Joint custody” is where both parties share in the right and responsibility to care for the child. The child can live primarily with either party or shared between two households, while both parents share in the child’s upbringing.

“Access” refers to the right of the child to spend time with the non-custodial party. The purpose of access is to allow the child to continue to have a relationship with the other party. Access cannot be refused because of problems related to child support.

This kit is designed to help you go through the court system to obtain custody and/or access.

Will it help me obtain Child support?

This kit can also be used to request child support. You can only use this kit if you do not have an existing court order or judgment that deals with support. If a child resides primarily with you, you can request support from either or both parents. To use this kit to apply for child support, the other party must reside in Saskatchewan. If the other party resides elsewhere, you can still use this kit to apply for custody/access, but you will need a different kit for support.

Where can I find out about all of my options?

To obtain further information, you can contact the **Family Matters Program** (1-844-863-3408) to find out whether there are resources that can be sent to you. You can also call the **Family Law Information Centre** (1-888-218-2822 ext. 2) to speak to their lawyer to get general legal information or help with self-help kits if you are choosing to represent yourself.

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

If you are interested in trying to resolve any outstanding issues with the help of a **mediator**, you can contact the Dispute Resolution Office at 1-866-257-0927, or (306) 787-5747 (Regina) or (306) 933-7864 (Saskatoon), at:

<https://www.saskatchewan.ca/government/directory?ou=81ce845c-e4c6-4f5f-80eb-d5a3c3506f4e>

<https://www.saskatchewan.ca/government/directory?ou=b8671485-66c8-44f3-8fcd-a801efcf3e23>

You may decide that you would like to **retain a lawyer** to provide you with legal advice, or to represent you in your family law matter. If you want to find a lawyer, check the yellow pages listings in the telephone book, or speak to family or friends for recommendations. The Family Law Information Centre cannot provide referrals to specific lawyers or firms. When choosing a lawyer, you can research any past disciplinary proceedings against lawyers by the Law Society of Saskatchewan on their website, here: <http://www.lawsociety.sk.ca/>

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

Pro Bono Law Saskatchewan (PBLs) is an organization that coordinates pro bono (free) legal services to persons of limited means. You can find out more about their programs by calling 1 (855) 833-7257 or here: <http://www.pblsask.ca/>

When deciding how to proceed, you may also wish to consider **Collaborative Law**, which is a process for resolving issues with the advice and assistance of lawyers but without going to court. You can find more information about this by calling Collaborative Lawyers of Saskatchewan at 1-866-347-8545, or visiting their website: <http://www.collabsask.com/>

Do I need a lawyer?

You have the right to go to court without a lawyer. However, you need to know that in court you will be treated the same as a person who has a lawyer. Do not expect any special or different treatment because you do not have a lawyer. If you do not know and follow the court rules, you will have to live with the consequences. If you want to find a lawyer, check the yellow pages listings in the telephone book, or speak to family or friends for recommendations.

Even if you decide not to hire a lawyer to represent you in court, it is still a good idea to consult a lawyer before you use this kit. A lawyer can advise you about the law, help you evaluate your chances of success and tell you what the cost of the court application would be if you decided to hire a lawyer. The lawyer will likely charge you for his/her advice.

If you are a low income earner or do not earn any income at all, you may qualify for Legal Aid. Consult your telephone book for the Saskatchewan Legal Aid Commission office nearest you.

You cannot rely on this kit to provide you with legal advice. You use this kit entirely at your own risk.

If you decide to represent yourself in court, it is your responsibility to be familiar with the *Court of Queen's Bench Rules of Saskatchewan* as well the relevant legislation dealing with family law. You can find this information at the Publications Saskatchewan website:

[\(http://www.publications.gov.sk.ca/freelaw/\)](http://www.publications.gov.sk.ca/freelaw/)

II. What do I need to do?

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

Yes, even though you may not be the biological parent of a child, you must complete a mandatory Parenting after Separation and Divorce course before starting your court application. The course is currently free and is offered by Family Justice Services. You must register for the course in advance by calling:

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

You must prove to the judge who hears your court application that you have attended the course within the last two years. You will receive a certificate of completion from Family Justice Services which you must file with the court. You must also notify each of the other parties that they will have to take the course as well. You will be reminded of this requirement later in this kit. The information provided is very useful and may help you improve your relationship with the child and the opposing parties.

What court documents do I have to prepare?

To prepare for the court application, you must complete the documents contained in this kit. You should make photocopies of these forms so that you have one copy to use for your rough draft and another that will be your good copy.

You can fill out the forms in pen, or complete these forms electronically by typing your information into the form templates included. The documents must be neat so that the Court and each Respondent can read them.

What do I put in each of the documents?

Let's go through these documents one at a time. You should keep in mind that these documents will take you a lot of time to complete. You will probably not be able to complete these documents in one sitting. Read the instructions carefully and do your best. *Please remember that the court staff cannot complete these documents for you.*

III. Completing the Forms

A) Petition

A Petition is a document which opens a court file at the Court of Queen's Bench. It outlines all the issues which may possibly need to be dealt with. If either party has previously filed a Petition with the Court of Queen's Bench, then you do not need to prepare a new Petition. You will already have an existing court file opened, and you can apply for an interim order using the remaining forms in this package.

All documents must be neat - typed or printed in pen. Any deletions made on Court documents should be made with a ruler and initialed. If you are preparing the forms electronically, you may be able to delete the portions of the forms that do not apply. You should save the original documents before making such modifications.

Complete the top of the first page of the Petition. Leave the court file number blank for now. When you file the Petition with the Court, they will give you a file number. You are the Petitioner and the other parties are the Respondents. There will be two Respondents listed on each document. These will be the two biological parents.

The section that is titled Notice to Respondent is the information that the Respondents need to review when served with your Petition. You do not need to add anything here.

Once you have completed the Petition, the Local Registrar at the Court of Queen's Bench will sign and seal the bottom of the second page of the Petition, and give you a file number to include on the top of the first page.

A) CLAIM

In this section of the Petition, you must tell the court what remedy you are asking for. A Petition can start court proceedings where a variety of different matters can be dealt with.

Because you are not legally married to either Respondent, you cannot use *the Divorce Act* to apply for a custody/access or support order. In this section, you will choose custody and access options under *The Children's Law Act, 1997* and child support and spousal support options under *The Family Maintenance Act, 1997*

Some of the options that do not apply to you have already been removed for your convenience.

If you have any questions regarding the other options for making claims in your Petition, you should consult a lawyer.

B) REMAINDER OF PETITION

You will not complete much of the Petition, as you were not in a spousal relationship with either Respondent. These paragraphs have been removed for your convenience.

Continue through the Petition. If there are paragraphs that do not apply to you, you may have the option to check off the box that indicates this. If not, you will cross out these paragraphs with a ruler, or delete them if completing the forms electronically.

You must also complete the address for service at the bottom of the Petition. This is the address where the Respondents can serve documents on you if necessary. If you move after filing your Petition, you should update your address with the Court of Queen's Bench. You must provide an address for service in Saskatchewan to file your Petition.

Make at least three photocopies of the completed Petition and sign all four copies. Be sure to fill in the name of the city or town where you signed the Petition and the date on which you signed it.

What next?

You will now need to go to the Court of Queen's Bench nearest to you to have your Petition issued (filed). A list of all court locations is provided in this kit. The local registrar at the court will require:

- a) a filing fee of \$100 (payable by cash or bank draft only)
- b) four copies of your Petition;

The local registrar will file one copy of your Petition, and will give you a court file number. This number will be required on all future court documents you prepare. Once you have had your Petition issued, you will leave with three copies of the issued Petition and you can continue with the remaining documents.

B) Notice of Application

A Notice of Application is a document that lets the court and the Respondents know what kind of court order you are seeking. It also sets the date and time when you will be heard by the judge.

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

Next, you will have to indicate the address of the court house so that the Respondents will know where to attend court *and then you will have to select your court date and time*. The times and dates of your hearing will depend on your Judicial Centre. Chambers is held on different days and at different times in each Judicial Centre. You will need to call the court staff at your Judicial Centre to determine when Chambers is held. Addresses and telephone numbers for different judicial centres are included in this kit.

Once you know the time and day of the week that Chambers is held, you can pick any date that you want as long as you follow the “Notice” rules.

If you wish to request an interim child support order, there must be at least 37 days between the date the Respondents receive your documents and the actual court date. You do not count the day the Respondents were served, nor the court date itself. You will need to think about how long it will take you to get the documents you prepared to the Respondents before picking your court date. Remember, 37 days is a minimum. You can provide the Respondents with more than 37 days’ notice if you like.

If you are not making a request for an interim support order, and only looking for a custody or access order, there must be at least 14 days between the date of service and the court date. Again, you do not count the day of service, nor the court date. Remember, 14 days is a minimum. You can choose to provide the Respondents with more than 14 days’ notice.

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

In the “Ground for Claim” section, you must indicate the law that you are using to apply for the order you are seeking. You will check off the boxes corresponding to various other pieces of provincial legislation. This should correspond to the claims that you made in your Petition. Under the heading “Other”, we have provided several other grounds for making various different orders. If you are asking for any of these orders, you will have to include them under “Other” in the “Remedy Sought” section. It is possible to make other requests for other orders that are not listed in this kit.

You can read through various laws and the Rules of Court to find out these options, which can be found at the Publications Saskatchewan website:

<http://www.publications.gov.sk.ca/freelaw/>

C) Affidavit

The next court document that you need to complete is called an affidavit. The affidavit is the document that contains written facts that you swear are true. These are facts supporting your request for a court order for custody, access, and/or support.

The Affidavit document is very important. This is the only way that the court will receive factual evidence from you at the court hearing. You will not be permitted to present any facts at the court date that are not included in your affidavit and filed with the court ahead of time.

The facts in the affidavit are set out in a series of numbered paragraphs. Each paragraph should contain sentences about a single topic. The affidavit is clearer and easier for the judge to read if each paragraph contains a single topic. This will also make it easier to present your case in court, as you will be able to refer to specific paragraphs in your argument.

What information do I include in my affidavit?

Your affidavit can only include facts that you personally know to be true. In your affidavit, you can state what either Respondent has told you. However, you should not include information that has been told to you by someone else. In special circumstances, you can state what you learned from someone else if you say in your affidavit: who told you; that you believe the information is true; and why you need to use the information learned from someone else. It is a better idea to ask that person to complete his/her own affidavit. You can provide more than one affidavit to the court. That is, you can provide an affidavit and you can gather affidavits from other individuals who you believe have information that would be important for the court to know. Remember, an affidavit must be sworn in front of a commissioner for oaths. Your affidavit can generally be as long and contain as much detail as you want. However, you should keep in mind that the judge will likely be preparing to hear many court applications on the same date that you have chosen as your court date. You should only include facts and details that relate to what you are asking the court to give you. That is, you should only provide the court with relevant information.

At Rule 15-20 in the Rules of Court, it states what type of information can be included in affidavits. You can find the Rules of Court here:

<http://www.publications.gov.sk.ca/freelaw/documents/English/QBRules/25QBRules-Parts1-18.pdf>

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

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

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

You should know that when granting a custody or access order, the judge will only take into consideration the best interests of the child. The judge will look at such things as:

- The quality of the relationship that the child has each party;
- The personality, character and emotional needs of the child;
- The ability to care for the child during the times that the child is in your care
- The wishes of the child, to the extent the judge considers appropriate, keeping in mind the age and maturity of the child; and
- The best interests of the child by reference to the condition, means, needs and other circumstances of the child.

The judge will not consider the past behaviour of yourself, or the Respondents, unless the behaviour impacts on the ability to care for the child.

How do I include documents in the affidavit?

You may have documents that you would like the court to see. For example, a copy of your child's school report card, a report from your counselor, or a letter from your employer outlining your estimated overtime for the next year. You can attach this type of document to your affidavit. The document will be known as an "exhibit". There are special rules for exhibits.

In the body of the affidavit, you must state that a document is attached to the affidavit as an exhibit. Each exhibit is labeled with a letter of the alphabet. The first exhibit attached is called "Exhibit A", the next exhibit is "Exhibit B", the next exhibit is "Exhibit C", and so on. For example:

"Attached to my affidavit and marked as exhibit "A" is a copy of my granddaughter, Samantha's Grade 4 report card from Connaught School".

You must also label the actual document so that the judge can identify which exhibit is which. There is a special way to label the document. On each exhibit, you need to stamp, type, or write the following words:

This is Exhibit “ ___ ” referred to in the Affidavit of _____ sworn before me this _____ day of _____, 201__.

A Commissioner for Oaths
In and for the Province of Saskatchewan
My Commission Expires _____
Being a Solicitor

Do I have to sign my affidavit and find someone to witness my signature?

Yes. You must sign your affidavit in front of a Commissioner for Oaths. Before you sign your affidavit in front of a Commissioner for Oaths, the Commissioner for Oaths will ask you whether or not you swear or affirm the contents of your affidavit to be true. The court staff are Commissioners for Oaths and you may swear your completed affidavit in front of them. This service is free. You can also find Commissioners for Oaths in the yellow pages of the telephone book and in some businesses like banks, insurance agencies, and law offices. You will likely have to pay for this service.

Do not forget to point out exhibits to the Commissioner for Oaths. He/she will have to sign the special labels you typed or wrote on each one.

D) Notice to Attend Parenting Education Program

Find the form called “Notice to Attend Parenting Education Program” at the back of this kit. You will fill this form out in order to ask the Respondents to show you and the court that they have attended the mandatory parenting after separation and divorce course before starting a court application related to children.

The Respondents (and you) must prove to the judge who hears your court application that you have attended the course within the last two years. You will receive a certificate of completion from Family Justice Services which you must file with the court. You must also notify the Respondents that they will have to take the course as well.

E) Notice to File Income Information

Find the form called “Notice to File Income Information” at the back of this kit. If you are requesting a support order, you will fill this form out in order to ask the Respondents to provide the necessary income information to be used to determine the amount of support.

IV. Serving Documents

Once you have completed the following forms, you will need to “serve” them:

- Petition
- Notice of Application;
- Affidavit;
- Notice to Attend Parenting Education Program;
- Notice to File Income Information

This means that you have to give a copy of all of the documents to each Respondent. The person “serving” the documents should hand the documents to the Respondent. If the other party will not accept the documents, the person should set the documents down in front of them verbally advise them of the type of document being served.

You can give or “serve” the documents on a Respondent in a number of ways:

- You can hire a professional process server. The names of process servers are listed in the yellow pages of the telephone book. They will charge you a fee.
- You can ask any other adult to give the documents to a Respondent. This person must know or be able to identify the other party or obtain proof of identification from the other party.
- You can have the Sheriff serve the documents. Sheriffs are available at any Queen’s Bench Court. You will be charged a fee for this service. You can find the Sheriff in the blue pages of the telephone book under “Courts”.

Are there any time limits for serving documents?

When you serve the documents on each Respondent, if the court application is for custody and/or access, then you must have them served at least 14 days before the court date.

If the Application deals with child support, then each Respondent must be served at least 37 days before the court date. Calculating the time limits was dealt with previously in this guide.

Do I have to prove to the court that the documents were served on the Respondent?

Yes. The judge will need to know that each Respondent has received a copy of all of your documents before hearing your application. The person who served your documents on a Respondent must sign the Affidavit of Service in front of a Commissioner for Oaths. Two “Affidavit of Service” forms are included in this kit. You will need to prove service of the documents on both Respondents.

What do I do after the documents have been served on the Respondents?

Once you have served a copy of all of your documents on each Respondent, you must file the third copy with the court. You must “file” or give the court a copy of all of your documents plus the affidavit of service. You do not need to re-file your Petition, as you have already done so. You must file all of the documents with the court staff before 4:00 p.m. You must file all of the documents with the court at least 14 days before the court date. (You can file them earlier if you wish.)

You will be charged a \$ 10 fee for filing your Notice of Application. This must be paid by cash or by bank draft at the time you file your application.

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

V. What can I expect from the Respondents?

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

Once the Respondents read the documents you have served on them, they will likely respond. The Respondents may each serve you with an affidavit. In those affidavits, you may find that the Respondents have brought up new facts with which you disagree.

You can prepare, serve, and file a second affidavit responding to any new matters that either Respondent has raised in their affidavit. You must file and serve your reply affidavit at least two “clear” days before the court date. You can use the affidavit template in this kit to generate a second affidavit.

What if the Respondents agree with what I am requesting in my Notice of Application?

You and the Respondents may have talked about the issues covered in the package. If at any time, you and the Respondents are able to agree on the issues, you and the Respondents can attend court on the date you have selected, and when the court clerk asks if there are any consent orders, you can both approach the judge and indicate that you all agree to the terms of an order that you would like the judge to grant.

VI. Do I actually need to go to court?

What do I do when I get there?

You must go to court at the time and on the date that you chose in your Notice of Application. You should arrive at the court house fifteen minutes early. When you arrive at the court house, ask a member of the court staff in the Local Registrar’s office to give you directions to the room where your application will be heard. The court staff will post

a list of the cases that the judge will be hearing on that day or the list will be in the room. Find your case on this list. The judge will probably be hearing most cases on the list. You may have to wait only a few minutes or you may have to wait several hours before your application is heard.

If you do not attend court, your application will be “struck” or thrown out of court and you will have to do all the work again.

When you walk into the room where your application will be heard, you will see a person sitting beside, or in front of, the judge’s chair. This person is the court clerk. Get in line to speak with the court clerk, and tell them who you are and they will make a note that you are present in court. After you have talked to the court clerk, you can sit down.

When the judge calls out the name of your case, stand up. There will be a table at the front of the court room. You can stand there and place your notes on the table or podium.

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

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

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

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

After you have presented your case, the Respondents or their lawyers will each take their turn. When they are finished, you will be able to reply to new matters they have raised.

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

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

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

If your hearing is “adjourned” that means it is postponed to a later date. The judge may do this if they believe that further evidence is required, you or the Respondent require more time to file an Affidavit, or in any other circumstances the judge considers appropriate.

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

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

If the judge believes that a decision cannot be made on the basis the filed Affidavit(s), then the judge can order that the matter proceed to a pre-trial conference at a future date. A pre-trial conference is the first step towards a trial. At a pre-trial conference, you and the Respondent will sit down with a judge to discuss the possibility of reaching a settlement. If you do not reach a settlement at the pre-trial conference, a trial may be scheduled. If a pretrial conference or a trial is scheduled, it is strongly recommended that you see a lawyer for help.

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

After you have been to court, you will have to prepare the court’s order. The judge makes the decision or order, but they do not type it up. That will be your job. First, review your notes from court. If you are unsure about what the judge ordered, ask the court staff to show you the judge’s “fiat”. The fiat is the record of what the judge decided. The order you prepare must reflect the judge’s decision. The Family Law Information Centre can provide you with an additional kit that can assist you in preparing a court order.

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

For any questions, you can contact:

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

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

CHECKLIST

- read through the instructions for this kit
- register for Parenting After Separation and Divorce course (you will have to attend the course before the court date selected in your Notice of Application)
- complete these documents:
 - Petition
- Take the following to a Court of Queen's Bench (addresses can be found on the next page)
 - a) a filing fee of \$100 (cash or bank draft only)
 - b) four copies of your Petition;
- complete these documents:
 - a) Notice of Application;
 - b) Affidavit (sign in front of Commissioner for Oaths);
 - c) Notice to Attend Parenting Education Program;
 - d) Notice to File Income Information (if requesting support).
- make three copies of all documents
- serve one complete set of documents on each Respondent at least 14 days before court date (custody or access) or at least 37 days before the court date (support application)
- Document server must sign each Affidavit of Service in front of Commissioner for Oaths
- file Notice of Application, Affidavit, Notice to Attend Parenting Education Program, Notice to File Income Information at court at least 14 days before court date along with:
 - \$10 filing fee (cash or bank draft only);
 - Two Affidavits of service, one for each Respondent;
 - Certificate of attendance at Parenting After Separation and Divorce course.
- If served with an Affidavit from either Respondent, you may choose to prepare, serve, and file a reply to that Respondent's affidavit, at least two "clear" days before court date
- attend court on your court date
- type up four copies of court order
- issue all four copies of court order at the court house
- serve one copy of issued order on each Respondent

JUDICIAL CENTRES IN SASKATCHEWAN

Battleford

Box 340, 291-23rd Street West
Battleford, Saskatchewan
S0M 0E0

Tel: (306) 446-7675

Fax: (306) 446-7737

Estevan

1016 – 4th Street
Estevan, Saskatchewan
S4A 0W5

Tel: (306) 637-4527

Fax: (306) 637-4536

Melfort

Box 6500, 409 Main Street
Melfort, Saskatchewan
S0E 1A0

Tel: (306) 752-6265

Fax: (306) 752-6264

Moose Jaw

64 Ominica Street West
Moose Jaw, Saskatchewan
S6H 1W9

Tel: (306) 694-3602

Fax: (306) 694-3056

Prince Albert

1800 Central Avenue
Prince Albert, Saskatchewan
S6V 4W7

Tel: (306) 953-3200

Fax: (306) 953-3210

Regina

2425 Victoria Avenue
Regina, Saskatchewan
S4P 3V7

Tel: (306) 787-5377

Fax: (306) 787-7217

Saskatoon

520 Spadina Crescent East
Saskatoon, SK
S7K 3G7

Tel: (306) 933-5174

Fax: (306) 975-4818

Swift Current

121 Lorne Street West
Swift Current, Saskatchewan
S9H 0J4

Tel: (306) 778-8400

Fax: (306) 778-8581

Yorkton

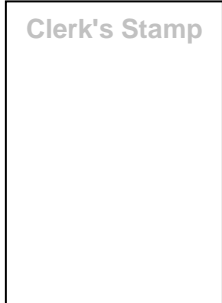
29 Darlington Street East
Yorkton, Saskatchewan
S3N 0C2

Tel: (306) 786-1515

Fax: (306) 786-1521

Form 15-6

COURT FILE NUMBER _____



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

JUDICIAL CENTRE _____

PETITIONER _____

RESPONDENT _____

RESPONDENT _____

PETITION

NOTICE TO RESPONDENT

A LEGAL PROCEEDING HAS BEEN STARTED AGAINST YOU IN THIS COURT. The details of the claim made against you are set out in the following pages.

YOU WILL NOT RECEIVE FURTHER NOTICE OF THIS CLAIM. IF YOU DO NOT PROVIDE A RESPONSE, JUDGMENT MAY BE GRANTED WITHOUT FURTHER NOTICE TO YOU.

IF YOU WISH TO DISPUTE ANY OF THE CLAIMS, OR IF YOU WISH TO MAKE ANY CLAIM YOURSELF, either you or a lawyer must prepare an Answer in Form 15-14A or an Answer and Counter-petition in Form 15-15, serve a copy on the petitioner or the Petitioner's lawyer at the address for service given in the Petition, and file it, with proof of service, in this Court:

- (a) WITHIN 30 DAYS after this Petition is served on you, if you are served in Canada or in the United States; or
- (b) WITHIN 60 DAYS after this Petition is served on you if you are served outside Canada or the United States.

Before serving and filing an Answer, you may serve and file a Notice of Intent to Answer in Form 15-14B. This will entitle you to 10 more days within which to serve and file your Answer.

If this Petition contains a claim for support, YOU MUST SERVE AND FILE A FINANCIAL STATEMENT in Form 15-26A within the time set out above for serving and filing your Answer, whether or not you wish to file an Answer. If you have been served with a claim for child support, and you do not comply with this notice or the Notice to File Income Information, also served on you, THE COURT MAY IMPUTE INCOME TO YOU AND MAY DETERMINE THE AMOUNT OF CHILD SUPPORT PAYABLE ON THE BASIS OF THAT IMPUTED INCOME. If you have been served with a claim for child support or if you intend to make a claim for child support in your Answer, please consult the Federal Child Support Guidelines.

If this Petition contains a property claim, YOU MUST SERVE AND FILE A PROPERTY STATEMENT in Form 15-26B within the time set out above for serving and filing your answer, whether or not you wish to file an Answer.

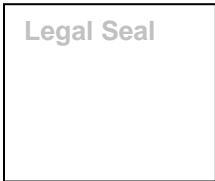
If you have also been served with an Originating Application, YOU OR YOUR LAWYER SHOULD SERVE AND FILE YOUR AFFIDAVITS IN RESPONSE TO THE APPLICATION 7 DAYS BEFORE THE DATE SET FOR HEARING THE APPLICATION, and come to Court for the application on the date set. If you do not oppose or dispute the Petition, but wish to be informed of subsequent steps in the proceeding, you may serve and file a Demand for Notice in Form 15-16; after that notice of all subsequent pleadings or proceedings shall be served on you.

IF YOU FAIL TO SERVE AND FILE AN ANSWER, A JUDGMENT MAY BE GRANTED IN YOUR ABSENCE AND WITHOUT FURTHER NOTICE TO YOU ON ANY CLAIM IN THIS PETITION, INCLUDING DISSOLUTION OF YOUR MARRIAGE AND DIVISION OF YOUR PROPERTY.

IF THE PETITION SEEKS A DIVORCE, NEITHER SPOUSE IS FREE TO REMARRY until a judgment of divorce takes effect.

This Petition is to be served within 6 months from the date on which it is issued, unless ordered otherwise.

This Petition is issued at _____, Saskatchewan,
the _____ day of _____, 201__ .



(Local) Registrar

TO THIS HONOURABLE COURT:

CLAIM

1 I ask this Honourable Court for the following remedy:

(c) *The Children's Law Act, 1997*

Custody

Access

Other (*specify*)

(d) *The Family Maintenance Act, 1997*

Maintenance for children in an amount determined in accordance with the Federal Child Support Guidelines

Maintenance for children in the amount of \$ _____ per month

Other (*specify*)

(i) Other (Specify Act if any)

(j) Costs (Specify particulars of the amount and basis for the claim.)

IN THE CIRCUMSTANCES set out below:

MEDIATION:

8 The mediation facilities utilized to negotiate matters pertaining to support or custody are as follows:

CHILDREN:

24 The names, dates of birth, and place of residence of all children who are in the custody or care of any of us are:

24A The children with respect to whom remedy is claimed are:

I am claiming no remedy with respect to the following children:

Because:

24B The particulars of the current custody and access arrangements of the children are as follows:

which is satisfactory (*or* unsatisfactory) for the following reasons:

24C I claim custody (*or* joint custody) of the following children on the following terms:

and/or

I agree that the respondent have an order for custody (*or* joint custody) of the following children:

24D I propose to permit access to the following children on the following terms: (*Specify times and length of access*)

and/or

I claim access to the following children: (*Specify times and length of access*)

24E The proposed arrangement for custody and access is in the best interest of the children for the following reasons:

24F The following changes of circumstances of myself or the respondent are expected to affect the children, their custody and access, in the future:

24G The nature of my relationship to and interest in the children is as follows:

24H The nature of the respondents' relationships to and interest in the children is as follows:

1)

2)

24I Other than the respondent and myself, the following persons may have an interest in the custody of or access to, or may have an obligation to support, the children: (*State name, address and relationship to children*)

24J The existing financial arrangements for the support of the children are as follows:

24K I propose that the financial arrangements for the support of the children, having regard to the remedy claimed, should be as follows:

24L (*If the amount claimed is different than the table amount under the Federal Child Support Guidelines.*) I am claiming child support in an amount different from the table amount determined under the Federal Child Support Guidelines due to:

- Child 18 or over
- Income over \$150,000
- Split custody
- Shared custody
- Payor standing in place of a parent
- Undue hardship, as set out in Part 4 of my Financial Statement;
- Extraordinary expenses, set out in Part 3 of my Financial Statement.

The facts to substantiate the proposed terms of child support are as follows:

PROCEEDINGS AND AGREEMENTS:

26 The particulars and status of all other legal proceedings instituted between myself and the respondents with reference to the marriage, cohabitation, custody, support, maintenance or division of property are:

26A The particulars and status of all other civil and criminal legal proceedings, past or ongoing, that may be relevant to the safety, security or well-being of the children are:

27 The dates of any written or oral separation or financial or custody agreements between myself and the respondent are:

The agreement pertains to:

- | | |
|--|---|
| <input type="checkbox"/> custody of the children | <input type="checkbox"/> spousal support |
| <input type="checkbox"/> access to the children | <input type="checkbox"/> division of property |
| <input type="checkbox"/> child support | <input type="checkbox"/> other (<i>specify</i>) |

28 The particulars of any other orders or agreements relating to any child (not from this relationship) that are in the custody or care of either the respondent or I are:

28A The particulars and status of all other legal proceedings that have resulted in an existing order, recognizance or undertaking that restricts contact or communication between the respondent and me, or any other members of our respective households, are: (include date and terms of order, recognizance or undertaking)

DATED at _____, Saskatchewan, this _____ day of _____, 201__.

(signature of petitioner)

CONTACT INFORMATION AND ADDRESS FOR SERVICE

Address for service and contact information of party filing this document:

Name of party:

Address for service:
(set out the street address)

Telephone number:

Fax number (if any):

E-mail address (if any):

Form 15-19

COURT FILE NUMBER _____

Clerk's Stamp

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

JUDICIAL CENTRE _____

PETITIONER _____

RESPONDENT _____

RESPONDENT _____

NOTICE OF APPLICATION
(FAMILY LAW PROCEEDING)

NOTICE TO THE RESPONDENT

This application is made against you. You are a respondent.

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

Where _____

Date _____

Time _____

Remedy sought:

An order for interim **Custody** of the following children on the following terms:

An order for interim **Access** to the following children on the following terms:

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

- An order for costs of this application.

- Other: _____

Grounds for claim:

- Interim Custody pursuant to:
 section 6 of the *Children's Law Act*

- Interim Access pursuant to:
 section 6 of the *Children's Law Act*

- Interim Child Support pursuant to:
 section 9(1) of *The Family Maintenance Act*

- Other: _____

Affidavit or other evidence to be used in support of this application:

1. Affidavit of: _____
(your name)
2. Financial Statement of : _____
(your name)
3. Other: _____

NOTICE

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

(If a support order is sought) TAKE NOTICE that whether or not you oppose this application, you must serve and file a Financial Statement in Form 15-26A at least 7 days before the date set for hearing the application. If this application includes a claim for child support, and you do not comply with this notice or the Notice to File Income Information which has also been served on you, THE COURT MAY IMPUTE INCOME TO YOU AND MAY DETERMINE THE AMOUNT OF CHILD SUPPORT PAYABLE ON THE BASIS OF THAT IMPUTED INCOME. If you have been served with a application for child support, please consult the Federal Child Support Guidelines.

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

DATED at _____, Saskatchewan, this ____ day of _____, 201____.
(city/town) (date) (month) (year)

(your signature)

CONTACT INFORMATION AND ADDRESS FOR SERVICE

Address for service and contact information of party filing this document:

Name of party:

Address for service:

Telephone number:

Fax number:

E-mail address:

Form 13-31

COURT FILE NUMBER _____

Clerk's Stamp

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

JUDICIAL CENTRE _____

PETITIONER _____

RESPONDENT _____

AFFIDAVIT OF _____

(your name)

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

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

1. I am the Petitioner in this matter and as such have personal knowledge of the facts and matters herein deposed to except where stated to be on information and belief and whereso stated I verily believe the same to be true.

2. _____

3. _____

4. _____

5. _____

6. _____

7. _____

8. _____

9. _____

10. _____

11. _____

12. _____

13. _____

14. _____

15. _____

16. _____

17. _____

18. _____

19. _____

(You should continue to write as many paragraphs as you need to in order to tell your story to the judge.. You can use additional paper. Do not forget to number your paragraphs. Include all of the facts that you believe are relevant and that you think are important for the judge to know. Remember to include any documents you think are relevant and important as “exhibits”.)

20. _____

21. _____

22. _____

23. _____

24. _____

25. _____

26. _____

I make this affidavit in support of my Application.

SWORN (OR AFFIRMED) BEFORE ME

at, _____ Saskatchewan,
this _____ day of _____,
201_____

Commissioner for Oaths
for Saskatchewan



(signature)

(MUST BE WITNESSED BY
COMMISSIONER FOR OATHS)

CONTACT INFORMATION AND ADDRESS FOR SERVICE

Address for service and contact information of party filing this document:

Name of party:

Address for service:

Telephone number:

Fax number:

E-mail address:

COURT FILE NUMBER _____

Clerk's Stamp

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

JUDICIAL CENTRE _____

PETITIONER _____

RESPONDENT _____

RESPONDENT _____

NOTICE TO ATTEND PARENTING EDUCATION PROGRAM

TO: _____
(name of other party)

YOU ARE REQUIRED to attend a parenting education program, unless:

- (a) you file with the court a certificate of attendance proving that you have attended a parenting education program or an equivalent program within the preceding two years; or
- (b) you obtain an exemption pursuant to subsection 44.1(9) of *The Queen's Bench Act, 1998*, or
- (c) you and all other parties to the proceeding certify in writing that a written agreement has been entered into settling all issues respecting custody, access and child support.

IF YOU FAIL to attend a parenting education program when required to do so the court may, on application:

- (a) strike out your pleadings or other documents;
- (b) refuse to allow you to make submissions on an application or at trial; or
- (c) order you to attend a parenting education program within any time specified by the court.

To attend the course you must register at least two days in advance by telephone:

1-888-218-2822 or 306-787-9905 in Regina
1-877-964-5501 or 306-964-4401 in Saskatoon

There is no fee for registration. Parties do not attend the course together.

DATED at _____, Saskatchewan this ____ day of _____, 201__.

(your signature)

CONTACT INFORMATION AND ADDRESS FOR SERVICE

Address for service and contact information of party filing this document:

Name of party:
Address for service:
Telephone number:
Fax number:
E-mail address:

Form 15-57A

COURT FILE NUMBER _____

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

JUDICIAL CENTRE _____

PETITIONER _____

RESPONDENT _____

RESPONDENT _____

Clerk's Stamp

NOTICE TO FILE INCOME INFORMATION

TO: The Respondent (*insert name of other party*), _____

YOU ARE REQUIRED to provide the Petitioner & file with the Court within 30 days of service of this Notice

a financial statement in Form 15-26A of the Queen's Bench Rules for Saskatchewan, including the required income tax documents;

if you are an employee] your most recent statement of earnings indicating the total earnings paid in the year to date, including overtime, or if such a statement is not provided by your employer, a letter from your employer setting out that information, including your rate of annual salary or remuneration;

if you are self-employed] for the 3 most recent taxation years:

- (i) the financial statements of your 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 you do not deal at arm's length;

if you are a partner in a partnership] confirmation of your income and draw from, and capital in, the partnership for its 3 most recent taxation years;

if you control a corporation] for the corporation's 3 most recent taxation years:

- (i) the financial statements of the corporation and its subsidiaries, 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 the corporation and every related corporation does not deal at arm's length;

[if you are a beneficiary under a trust] a copy of the trust settlement agreement and copies of the trust's 3 most recent financial statements.

DATED at _____, Saskatchewan, this _____ day of _____, 201____.

(City) (day) (month) (year)

Signature of Petitioner

The requested documents are to be: (a) served on the party seeking disclosure at the address for service set out at the end of this document; and (b) filed on the Court file.

NOTICE

IF DURING the course of the proceeding you find out that the information you provided in a response to this notice is incorrect or incomplete, or there is a material change in the information provided, you must serve on every other party to this claim and file with the Court the correct information, together with any documents substantiating it.

IF YOU FAIL TO PROVIDE THE REQUESTED DOCUMENTS WITHIN THE TIME GIVEN, the party seeking disclosure of your income information may apply on notice to the Court for any or all of the following:

- an Order drawing an adverse inference against you and imputing income to you in the amount that the court considers appropriate;
- an Order for payment of support in the amount that the Court considers appropriate;
- an Order that the documents requested be delivered within a specified time;
- an Order directed to your employer or other person for disclosure of financial information;
- an Order for costs, including costs up to an amount that fully compensates the party seeking disclosure for all costs incurred in the proceeding;
- an Order granting the party seeking disclosure any other remedy requested.

or

If the party seeking disclosure of income information wishes an immediate order in the event of non-compliance with this Notice to File Income Information, include a Notice in Form 6-5 for the desired order.

CONTACT INFORMATION AND ADDRESS FOR SERVICE

Address for service and contact information of party filing this document:

Name of party:

Address for service:

Telephone number:

Fax number:

E-mail address:

Form 15-12A

COURT FILE NUMBER _____

Clerk's Stamp

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

JUDICIAL CENTRE _____

PETITIONER _____

RESPONDENT _____

RESPONDENT _____

AFFIDAVIT OF SERVICE

I, _____, of the _____ of
(name of document server) (city, town, etc.)

_____, in the _____ of _____,
(name of city, town) (province, state, other) (name of province, state, other)

Make Oath and Say/Affirm as follows:

1 On the _____ day of _____, 201____, I personally served the
(date) (month) (year)

Respondent, _____, with a true copy of:
(name of Respondent)

(check all that apply)

- Petition;
- Notice of Application;
- Affidavit;
- Notice to Attend Parenting Education Program;
- Notice to File Income Information.

an original being part of the Court file, by leaving a true copy with him (or her) at:

(full address where respondent was served)

2 My means of knowledge as to the identity of the respondent are as follows:
(choose all that apply)

- the party identified themselves to me;
- the party being served is known to me;
- other: _____.

3 The postal address of the respondent is:

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

5 To effect service I necessarily travelled ____ kilometres.

SWORN (OR AFFIRMED) BEFORE ME

at, _____ Saskatchewan,
this _____ day of _____,
201_____

Commissioner for Oaths
for Saskatchewan



(signature)

(MUST BE WITNESSED BY
COMMISSIONER FOR OATHS)

CONTACT INFORMATION AND ADDRESS FOR SERVICE

Address for service and contact information of party filing this document:

Name of party:

Address for service:

Telephone number:

Fax number:

E-mail address:

Form 15-12A

COURT FILE NUMBER _____

Clerk's Stamp

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

JUDICIAL CENTRE _____

PETITIONER _____

RESPONDENT _____

RESPONDENT _____

AFFIDAVIT OF SERVICE

I, _____, of the _____ of
(name of document server) (city, town, etc.)

_____, in the _____ of _____,
(name of city, town) (province, state, other) (name of province, state, other)

Make Oath and Say/Affirm as follows:

1 On the _____ day of _____, 201____, I personally served the
(date) (month) (year)

Respondent, _____, with a true copy of:
(name of Respondent)

(check all that apply)

- Petition;
- Notice of Application;
- Affidavit;
- Notice to Attend Parenting Education Program;
- Notice to File Income Information.

an original being part of the Court file, by leaving a true copy with him (or her) at:

(full address where respondent was served)

2 My means of knowledge as to the identity of the respondent are as follows:
(choose all that apply)

- the party identified themselves to me;
- the party being served is known to me;
- other: _____.

3 The postal address of the respondent is:

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

5 To effect service I necessarily travelled ____ kilometres.

SWORN (OR AFFIRMED) BEFORE ME

at, _____ Saskatchewan,
this _____ day of _____,
201_____

Commissioner for Oaths
for Saskatchewan



(signature)

(MUST BE WITNESSED BY
COMMISSIONER FOR OATHS)

CONTACT INFORMATION AND ADDRESS FOR SERVICE

Address for service and contact information of party filing this document:

Name of party:

Address for service:

Telephone number:

Fax number:

E-mail address: