

Kit #3

Variation of Support Self-Help Kit*

- Child Support
- Spousal Support

You can use this kit to apply for a variation of a Saskatchewan child support and/or spousal support court order.

If the other party resides outside Saskatchewan, you may need a different kit.

If you currently have a support agreement, and have never had a support order, you will need a different kit.

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

Family Law Information Centre

1-888-218-2822 (extension 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.

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I. Is this Kit for Me?

Will it help me change support?

This kit is designed to help a person who is either paying or receiving child support and/or spousal support to change the amount of support being paid. You can only ask the court for a change or “variation” if a significant, relevant, change has occurred in your life, the life of the other party or the lives of your children in the time period since your current court order was made.

You can only use this kit if you have an existing Saskatchewan Court of Queen’s Bench court order or judgment that deals with support, and if the other party resides in Saskatchewan. If this does not apply to you, please contact us to determine if there is a different kit that you can use.

In Saskatchewan, court orders for support are made under the authority of either *The Divorce Act* or *the Family Maintenance Act, 1997*. Your existing court order may not specify which of these two pieces of legislation was used. However, people who were never married will always fall under *The Family Maintenance Act, 1997*. If you would like to read these Acts, you can find them at your local Law Society library, Publications Saskatchewan (<http://www.publications.gov.sk.ca/deplist.cfm?d=1&c=42>) or the Department of Justice Canada (www.justice.gc.ca).

What if the other party lives outside Saskatchewan?

If the other party lives outside Saskatchewan, you may have to use a different process to try to change your support order. These processes are not described in this kit but are described in *The Divorce Act* and *The Inter-jurisdictional Support Orders Act*. For more information about these processes, contact the Family Law Information Centre.

Where can I find out about all of my options to resolve our issues?

If you wish to obtain further legal information you can contact the **Family Matters Program** (1-844-863-3408) to find out whether there is material that we might be able to send out 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.

You can also use our office to facilitate your support adjustments if both parties agree to use a service called the Support Variation Project. This program assists parties in adjusting their support payments where the parties will agree to vary their support payments in accordance with the Federal Child Support Guideline tables. For more information about the program, you can contact 306-787-5837 or 1-888-218-2822 (ext. 2). This program is free of charge, but requires that both parties agree to use the service.

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).

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, or a list of Collaborative Law professionals, by calling Collaborative Lawyers of Saskatchewan at 1-866-347-8545, or visiting their website: <http://www.collabsask.com/>

What are the Child Support Guidelines?

The *Child Support Guidelines* are rules that the court must follow when deciding how much child support to order. The *Child Support Guidelines* include tables that are used to figure out a child support amount. The child support amount is generally based on:

- income of the party paying support;
- province where the paying party resides;
- the number of children for whom child support is paid.

In some cases, the child support amount also includes an extra amount for certain kinds of special expenses that children may have. These special expenses are often referred to as “Section 7” expenses because the definition of special expenses is found in section 7 of *The Child Support Guidelines*.

A copy of the most recent (2011) *Child Support Guidelines’ Table for Saskatchewan* can be found here: <http://www.justice.gc.ca/eng/fl-df/child-enfant/fcsg-lfpae/2011/pdf/ska.pdf>

What are the Spousal Support Advisory Guidelines?

The Spousal Support Advisory Guidelines set out formulas for arriving at spousal support figures in situations where there are, and where there are not, child support figures to factor in. Unlike the Child Support Guidelines, the Spousal Support Guidelines are not mandatory. They are not law. Therefore, a judge does not have to follow them in every situation. The Spousal Support Advisory Guidelines can be found on the Department of Justice Canada website here:

<http://www.justice.gc.ca/eng/fl-df/spousal-epoux/ssag-ldfpae.html>

You can also find an online support calculator for both child support and spousal support here: <http://www.mysupportcalculator.ca/#SupportCalculator>

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.

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

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.

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* (especially Part 15 of the Rules that deals with Family Law Proceedings) 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/details.cfm?p=73108>)

II. What do I need to do?

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

If your court application is requesting a variation of child support, you must complete a mandatory Parenting after Separation and Divorce course before your court date. Instructions for selecting a court date are found later in this kit. It is a good idea to register for this course immediately to avoid any possible delays later. 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) or 1-877-964-5501 (central/north)

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 other party 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 your child and the other party.

This course is not mandatory if you are only applying for a variation of spousal support.

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 must complete the following documents:

- Application for Variation;
- Affidavit;
- Financial Statement;
- Notice to Attend Parenting Education Program;
- Notice to File Income Information.

You can fill out the forms in pen, or complete these forms electronically by typing your information into the form templates. If you wish to obtain an electronic copy of the kit, we can e-mail one to you. The documents must be neat so that the Court and the other party can read them.

III. Completing the Forms

What do I put in each of the documents?

Use the following guide and go through the documents one at a time. These documents will take a lot of time to complete. You will probably not be able to complete these documents in one sitting. Do not get frustrated. Read the instructions carefully and do your best. *Please remember that the court staff cannot complete these documents for you.*

A) Application for Variation

An Application for Variation is a document that lets you formally request for a court order to be changed. This document sets out which order you are applying to change, and also tells the court and the other party the date and time you have selected to have this matter heard by a judge. Before you begin to prepare this document, you will need to make sure that you have a copy of the existing court order you are applying to change. You should also have a calendar handy. If you do not have a copy of the order, you can get a copy at the Local Registrar's office of the Court of Queen's Bench where your order was made. The court may charge you to make this copy for you.

At the top of the Application for Variation, you will need to fill in your court file number, the Judicial Centre, and the names of the parties, all of which can be found on any previously filed court documents. The Petitioner is the party who first started court proceedings by originally filing the "Petition". The Respondent is the person who was served with the Petition, when the court process first started. The Petitioner and the Respondent are always the same person. Either the Petitioner or the Respondent may file an Application for Variation.

Next, you will have to indicate the address of the court house so that the other party will know where to attend court ***and then you will have to select your court date and time.*** The times and dates of your hearing will depend on your Judicial Centre. Chambers is held on different days and at different times in each Judicial Centre. You will need to call the court staff at your Judicial Centre to determine when Chambers is held. 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. For a support variation application, there must be at least 37 days between the date the other party receives your documents and the actual court date. You do not count the day of service, nor the court date itself. You will need to think about how long it will take you to serve the documents before picking your court date. Remember, 37 days is a minimum. You can provide the other party with more than 37 days' notice if you like.

Next, you are indicating which order you are applying to change. Fill in the section pertaining to the order you are requesting to vary. You are also able to apply for "Costs" and there is also a paragraph that is listed as "Other". This allows you to apply for some other specific court order. You can read about some of those orders below.

In the “Particulars of Remedy Sought” section of the Application for Variation, you must indicate what you are requesting and the law that you are using to apply for the variation. If your original order was made pursuant to *the Divorce Act*, then your variation application will be made pursuant to *the Divorce Act*. If your existing order was made pursuant to the *Family Maintenance Act*, then your variation application will be made pursuant to that same legislation. 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 first section of the form. 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:

Children’s Law Act: <http://www.publications.gov.sk.ca/freelaw/documents/English/Statutes/Statutes/C8-2.pdf>
Family Maintenance Act: <http://www.publications.gov.sk.ca/freelaw/documents/English/Statutes/Statutes/F6-2.pdf>
Family Property Act: <http://www.publications.gov.sk.ca/freelaw/documents/english/statutes/statutes/F6-3.PDF>
Divorce Act: <http://laws.justice.gc.ca/PDF/D-3.4.pdf>
Queen’s Bench Act: <http://www.publications.gov.sk.ca/freelaw/documents/English/Statutes/Statutes/Q1-01.pdf>
Rules of Court: <http://www.publications.gov.sk.ca/freelaw/documents/English/QBRules/25QBRules-Parts1-18.pdf>

The commonly requested orders that we have included under other are:

- a) Reduction or elimination of outstanding arrears, pursuant to section 10(1)(b) of *The Family Maintenance Act* or section 17(1)(a) of *The Divorce Act*.
- b) Cancellation of driver’s license suspension pursuant to section 43(1) of *The Enforcement of Maintenance Orders Act, 1997*,
(note: if you are checking off this option, you must serve a copy of your application on the Director of Maintenance Enforcement at 100 – 3085 Albert Street, Regina, S4S 0B1)
- c) Leave to pursue paternity testing pursuant to s. 48 of *The Children’s Law Act*

In the “On the following grounds” section, you must set out a brief description of the changes in circumstances that have taken place since the original order has been made. These are your reasons for filing your variation application. Some of the common grounds for filing a variation application can include:

- The payor has experienced a change in income;
- The recipient has experienced a change in income;
- Either party is in a new relationship or has remarried;
- Costs associated with the children have changed (section 7 expenses);
- One or more children have reached the age of majority;
- The primary residence of a child has changed;
- The parenting schedule now reflects shared custody with each party; having the children at least 40% of the time;
- The parenting schedule now reflects split custody with some children living primary with one party, and some children living primarily with the other party.

Next, in paragraph 2 of the Application for Variation, you must list the name of all of the documents that you have prepared and are going to be filing with the court. For most people, this will include your Affidavit and your Financial Statement. These forms are included in this kit.

Do not forget to sign this document and insert your address at the end.

B) 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 varying 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 the other party has told you. However, you should not include information that has been told to you by someone else. In special circumstances, you can state what you learned from someone else if you say in your affidavit: who told you; that you believe the information is true; and why you need to use the information learned from someone else. It is a better idea to ask that person to complete their 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 prepared in the correct format and be sworn. Your affidavit can generally be as long and contain as much detail as you want. However, 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. It is very important to be able to show the court that there has been a material change in circumstances since the previous order was made. If you cannot show a change since the last order, your application will likely be dismissed. 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.

How do I include documents in the affidavit?

You may have documents that you would like the court to see. For example, documents relating to changes in income, or receipts from past expenses for the child. 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, one of the paragraphs in your affidavit might read:

“15. Attached to my affidavit and marked as exhibit “A” is a copy of my E.I. cheque stub for the period dated November 1, 2012 to November 15, 2012.”

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 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. There are Commissioners for Oaths at the Local Registrar's office at the court 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. They will have to sign the special labels you typed or wrote on each one.

Do I need to attach the current Court Order or Judgment to my Affidavit as an exhibit?

This kit is meant for applications for variation where your existing order was made at the same location of the Court of Queen's Bench in Saskatchewan. Your current court order should already be on the court's file. You do not have to attach the order or judgment to your affidavit as an exhibit, but you should state in your affidavit that the court order or judgment exists and confirm the fact that it is on the court file.

C) Financial Statement

The court will need to see your financial information if you are:

- paying child or spousal support;
- receiving spousal support;
- requesting extra child support to cover "section 7" expenses; or
- either party makes a claim for undue hardship.

A form for this document is attached to the back of this kit. Look the financial statement over before you begin filling it out. You may not need to complete all six parts. Read the instructions on the Financial Statement carefully as you go along.

Start by completing the top of the first page of the Financial Statement the same way as you completed the other documents. Fill in the rest of the information on the first page of the Financial Statement. If you are not yet sure which parts you will need to complete, read the instructions below. When the form is completely finished, you will need to sign your financial statement in front of a Commissioner for Oaths.

Do not sign your Financial Statement until you have completely finished the Financial Statement and you are in front of a Commissioner for Oaths.

The second page of the Financial Statement only needs to be completed if pursuant to the *Indian Act* of Canada that because of your status, your income is tax exempt and you are not required to file an income tax return, and have therefore not filed an income tax return for the last three years.

Complete Part 1 of the Financial Statement. This is three pages long. Most of the categories on these three pages will not apply to everyone. It is very common that most people will have blanks left for most of the categories of income, and the various adjustments. Do not forget to attach the financial information requested in Section 3 of Part 1. (i.e. personal income tax returns). It is usually acceptable to attach your Notices of Assessment or Reassessment that is provided to you after you file your income tax return. In some situations, the court will require a complete copy of your tax returns as filed with Canada Revenue Agency.

Complete Part 2 of the Financial Statement. This section outlines your annual expenses. Give your best estimate of each expense for a one year period. You can take your average monthly expense in a particular category and multiply that amount by 12 to obtain your estimated annual expense.

Not everyone will complete Parts 3, 4, 5, and 6. If you are claiming reimbursement for any child care expenses, medical/dental expenses, or extracurricular activity expenses, list them in Part 3.

If you are making a claim for an amount of support different from that in the Child Support Guideline tables because that level of support would cause undue hardship, then complete Parts 4 and 5.

Part 6 is not required, unless ordered by a judge. Because this is rare, we have removed Part 6 from this package.

Any parts that are not applicable can be removed from the kit prior to filing the Financial Statement.

Now, when the form is completely finished, you will need to go back to the first page of the document and sign your Financial Statement in front of a Commissioner for Oaths who will ask you to swear or attest to the truth of the information you have provided in the financial statement. The Commissioner for Oaths will fill in the section to the left of the space for your signature.

Some of the staff at the Local Registrar's Office are Commissioners for Oaths and you may swear or affirm your completed affidavit before them. This service is free. Remember to bring photo ID for this service.

D) Notice to Attend Parenting Education Program

If your application for variation only deals with spousal support, then you do not need to complete this form. Otherwise, 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 other party 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.

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 other party that they will have to take the course as well.

Sign this form and fill in your contact information.

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 other party to provide the necessary income information to be used to determine the amount of support.

Sign this form and fill in your contact information.

IV. Serving Documents

Once you have completed the following forms, you will need to serve them.

- | | |
|--|--|
| <ul style="list-style-type: none">• Application for Variation;• Affidavit;• Financial Statement; | <ul style="list-style-type: none">• Notice to Attend Parenting Education Program;• Notice to File Income Information. |
|--|--|

At this point, all the above documents should be signed. The signatures on the Affidavit and Financial Statement should have been witnessed by a Commissioner for Oaths.

You have to give a copy of all of the signed documents to the other party. You must later also give a copy of all of the documents to the court. You should keep a third copy of all of the documents for your records.

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

- You can hire a professional process server or the Sheriff’s office to give the documents to the other party. The names of process servers are listed in the yellow pages of the telephone book. There is a Sheriff’s Office located at every Court of Queen’s Bench location. The process server or Sheriff will charge you a fee.

- Any adult to give the documents to the other party. This person must know or be able to identify the other party or obtain proof of identification from them.

The person “serving” the documents should hand the documents to the other party. If the other party will not accept the documents, the person should set the documents down in front of the other party and verbally advise them of the type of document being served.

Are there any time limits for serving documents?

When you serve the documents on the party, you must serve it on them at least 37 days before the court date. Remember, the 37 days does not include the date of service, but it includes date of court.

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

The judge will need to know that the other party has received a copy of your documents before hearing your application. The person who served your documents on the other party must complete an “Affidavit of Service”. The server must sign the Affidavit of Service in front of a Commissioner for Oaths. This form can be found in this kit.

What if the other party has a lawyer?

If the opposing party has a lawyer representing them, you can contact the lawyer to ask whether they will accept service of your application on behalf of their client. If they are willing to accept service, you can serve the lawyer’s office personally, by fax, or in any other way that they will accept service. You will provide the lawyer with an additional form called an Acknowledgment of Service, which you can obtain from the Family Law Information Centre.

What do I do after the documents have been served on the other party?

Once you have served the first copy of all of your documents on the other party, you must file the second copy with the court. You must give the court a copy of all of your documents plus the Affidavit of Service. You must file all of the documents with the court staff before 4:00 p.m. You must file all of the documents with the court at least 14 days before the court date.

<p><i>You will be charged a \$20 fee for filing your documents. You must pay the filing fee up front in cash.</i></p>

V. What can I expect from the other party?

Will I receive any documents from the other party?

Once the other party reads the documents you have served on them, they will likely respond. The other party will want to provide their side of the story to the judge. The other party may serve you with their financial information and an affidavit.

You can prepare, serve, and file a second affidavit responding to any new matters that the other party has raised in their affidavit. You must file your reply affidavit at least two “clear” days before the court date.

What if the other party serves me with their own Application for Variation?

Along with an affidavit, the other party may serve you with their own Application for Variation. This kit does not tell you how to respond to the other party’s Application for Variation. If in doubt, refer to the family section of the *Court of Queen’s Bench Rules of Saskatchewan*, contact the Family Law Information Centre, or talk to a lawyer.

What if the other party agrees with me about how the support should be changed?

You and the other party may have talked about your situation and may agree about the change to the support that needs to be made. If you and the other party agree on the amount of support, then you can indicate to the judge on the court date that an agreement has been reached. On your court date, immediately after the judge enters the court room, he will ask if there are any adjournments or consent orders. At this time you can stand up and approach the judge to indicate that an agreement has been reached. Let the judge know the details of the agreement so that they can make the order that you have agreed upon. You are also able to prepare the order ahead of time to present to the judge. The Family Law Information Centre can provide you with a template to do this.

VI. Do I actually need to go to court?

You, or your lawyer on your behalf, must attend court on the date you have selected.

What do I do when I get there?

- 1) You must go to court at the time and on the date that you chose in your Application for Variation.
- 2) You should arrive at the court house fifteen minutes early.
- 3) 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.
- 4) The court staff will post a list of the cases that the judge will be hearing on that date. Find your case on this list. The judge will be hearing every case 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.
- 5) If you do not show up for court, your application may be "struck" (thrown out) and you will have to do all the work again.
- 6) When you walk into the room where your application will be heard, you will see a person sitting near the judge's chair. This person is the court clerk. Get in line to speak with the court clerk.
- 7) You will need to tell the court clerk 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.
- 8) After the judge arrives, they will ask if there are any adjournments or consent orders. If you would like to postpone the court date, then you must ask the judge at this time for an adjournment. If you have reached an agreement with the other party, then you can let the judge know at this time. You do not have to wait for your case to be called if you are requesting an adjournment or presenting a consent agreement.
- 9) 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.
- 10) 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 about your Application for Variation.
- 11) You should have prepared what you want to say to the court in advance. You may wish to make notes in point form, so that you will not forget to say something that you believe is important.

12) 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.

13) Make careful notes of what the judge says. You should note the judge's response to each thing that you have asked for in your Application for Variation.

14) After you have presented your case to the judge, the other party or their lawyer will get to talk. When they are finished, you will be able to reply to any new matters they have raised.

15) When the other party, or their lawyer is speaking, do not interrupt if you disagree with what is said. If you spoke first, you will have a chance to respond afterwards. It is a good idea to write a note for yourself 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:

- adjourn your application;
- reserve judgment; or
- make an order on the spot.

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 other party requires more time to file an Affidavit or Financial Statement 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 would like to make the decision. The court staff will contact you when the decision is made. Make sure the court 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. The judge may talk about things like the amount of the new child support order, the dates for payment, the start date, whether arrears should be erased or reduced, etc.

If the judge believes that a decision cannot be made on the basis of your Affidavit and the other party's Affidavit, then the judge can order that you and the other party attend a Pre-Trial Conference at a future date. A Pre-Trial Conference is the first step towards a trial. The pre-trial conference is not a trial. Going to a Pre-Trial Conference does not mean that you are definitely going to trial. If there is to be a trial, it will be determined at a later date.

At a Pre-Trial Conference, you and the other party (and possibly lawyers representing either side), 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, then a trial may be scheduled.

If a Pre-Trial Conference 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've been to court, you will have to prepare the court's order. The judge makes the decision or order but the court does not prepare the formal document. 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 said. The order you prepare must reflect the judge's decision.

For help in preparing the court order, you can contact the Family Law Information Centre for an additional self-help kit. You will need a copy of the judge's fiat from the court file.

You will be charged a \$ 20 fee to issue the order. This is payable by cash only.

The court staff will compare your order with the judge's fiat. If you have made any mistakes, the court staff will ask you to correct them.

Once the order is issued, the court will keep one copy and you should keep one copy for your records and you must give the remaining copy to the other party. You give the order to the other party by "serving" them, using one of the methods described earlier.

Once you have served the order on the other party, you are finished. However, if you or the other party is registered with the Maintenance Enforcement Office, you should provide them with a copy of the new order. You can find out more about the Maintenance Enforcement Office by contacting them at:

Room 100, 3085 Albert Street
Regina, Saskatchewan, S4S 0B1
1-866-229-9712
306-787-8961
meo.inquiry@gov.sk.ca

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

If you have questions, you can contact:

Family Law Information Centre
Room 323, 3085 Albert Street,
Regina, Saskatchewan, S4S 0B1

1-888-218-2822 (ext. 2)
(306) 787-5837
svp@gov.sk.ca

The staff at the Family Law Information Centre cannot give you legal advice or represent you in court. However, they can answer general questions you may have about this kit.

Before you contact the staff at the Family Law Information Centre, read this kit carefully from beginning to end. Remember, neither the staff at the Family Law Information Centre nor the court staff can fill out this kit for you.

JUDICIAL CENTRES IN SASKATCHEWAN

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

Battleford

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

Tel: (306) 446-7675

Fax: (306) 446-7737

Estevan

1016 – 4th Street
Estevan, Saskatchewan
S4A 0W5

Tel: (306) 637-4527

Fax: (306) 637-4536

Melfort

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

Tel: (306) 752-6265

Fax: (306) 752-6264

Moose Jaw

64 Ominica Street West
Moose Jaw, Saskatchewan
S6H 1W9

Tel: (306) 694-3602

Fax: (306) 694-3056

Prince Albert

1800 Central Avenue
Prince Albert, Saskatchewan
S6V 4W7

Tel: (306) 953-3200

Fax: (306) 953-3210

Regina

2425 Victoria Avenue
Regina, Saskatchewan
S4P 3V7

Tel: (306) 787-5377

Fax: (306) 787-7217

Saskatoon

520 Spadina Crescent East
Saskatoon, SK
S7K 3G7

Tel: (306) 933-5174

Fax: (306) 975-4818

Swift Current

121 Lorne Street West
Swift Current, Saskatchewan
S9H 0J4

Tel: (306) 778-8400

Fax: (306) 778-8581

Yorkton

29 Darlington Street East
Yorkton, Saskatchewan
S3N 0C2

Tel: (306) 786-1515

Fax: (306) 786-1521

CHECKLIST

- ☐ read through the instructions for this kit
- ☐ if you are applying to vary child support, register for Parenting After Separation and Divorce course (you will have to attend the course before the court date selected in your Application for Variation)
- ☐ complete these documents:
 - Application for Variation;
 - Affidavit (sign in front of Commissioner for Oaths);
 - Financial Statement (sign in front of Commissioner for Oaths);
 - Notice to Attend Parenting Education Program;
 - Notice to File Income Information.
- ☐ make three copies of all documents
- ☐ serve one complete set of documents on other party at least 37 days before the court date
- ☐ Document server must sign Affidavit of Service in front of Commissioner for Oaths
- ☐ Attend Parenting after Separation and Divorce course (if applying to vary child support)
- ☐ file Application for Variation, Affidavit, Financial Statement, Notice to Attend Parenting Education Program, Notice to File Income Information at court at least 14 days before court date, along with:
 - Affidavit of Service
 - Certificate of attendance at Parenting After Separation and Divorce course
 - \$20 filing fee (cash only)
- ☐ If served with an Affidavit from the other party, you may choose to prepare, serve, and file a reply to that affidavit, at least two “clear” days before court date
- ☐ attend court on your court date
- ☐ Contact Family Law Information Centre for package to prepare a court order

Form 15-49
(Subrule 15-49(1))

COURT FILE NUMBER _____ of 20__

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

JUDICIAL CENTRE _____

PETITIONER _____

RESPONDENT _____

Clerk's Stamp

APPLICATION FOR VARIATION

TO: _____
(name of other party)

1 TAKE NOTICE that an application will be made to the presiding judge in chambers.

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 _____

The application is for an order varying:

☐ The support order granted by _____
(name of Judge)

pronounced on the ____ day of _____, 201____
(date) (month) (year)

☐ An order for costs of this application.

☐ Other (specify): _____

PARTICULARS of the remedy sought are as follows:

- ☐ A Variation of child support, with the new order to take effect on _____
pursuant to: _____ (date)
☐ section 10(1) of *The Family Maintenance Act*
☐ section 17(1)(a) of *The Divorce Act*
- ☐ A Variation of spousal support, with the new order to take effect on _____
pursuant to: _____ (date)
☐ section 10(1) of *The Family Maintenance Act*
☐ section 17(1)(a) of *The Divorce Act*
- ☐ Other: _____
- ☐ Reduction or elimination of outstanding arrears, pursuant to section 10(1)(b) of *The Family Maintenance Act* or section 17(1)(a) of *The Divorce Act*.
- ☐ Cancellation of driver's license suspension pursuant to section 43(1) of *The Enforcement of Maintenance Orders Act, 1997*, (note: if you are checking off this option, you must serve a copy of your application on the Director of Maintenance Enforcement at 100 – 3085 Albert Street, Regina, S4S 0B1)
- ☐ Leave to pursue paternity testing pursuant to s. 48 of *The Children's Law Act*
- ☐ Other: _____

ON THE FOLLOWING GROUNDS:

(set out a brief description of the change in circumstances, including the identity of the person whose circumstances have changed, which are relied on to justify the remedy claimed)

- ☐ _____

- ☐ _____

2 In support of this application will be read:

- a) Affidavit of: _____
(your name)
- b) Financial Statement of: _____
(your name)
- c) Other: _____

3 AND FURTHER TAKE 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.

4 AND FURTHER 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 variation of 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 an application for variation of child support, please consult the Federal Child Support Guidelines.

5 ND FURTHER TAKE NOTICE that if you do not appear at the hearing [or fail to provide the required financial information] 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_____
(year) (city/town) (date) (month)

(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:
(set out the street address)

Telephone number:

Fax number (if any):

E-mail address (if any):

Form 13-31

COURT FILE NUMBER _____ of 20__

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

JUDICIAL CENTRE _____

PETITIONER _____

RESPONDENT _____

Clerk's Stamp

AFFIDAVIT OF _____

(your name)

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

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

1. I am the Applicant 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:
(set out the street address)

Telephone number:

Fax number (if any):

E-mail address (if any):

Form 15-26A

COURT FILE NUMBER _____ of 20__

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

JUDICIAL CENTRE _____

PETITIONER _____

RESPONDENT _____

Clerk's Stamp

FINANCIAL STATEMENT OF

I, _____, of _____,
Saskatchewan, swear or affirm that:

1. The information set out in this financial statement is true and complete to the best of my knowledge and belief, and sets out my financial situation as of:

Date: _____

2. ☐ I do not anticipate any significant changes in the information set out in this financial statement.

OR

☐ I anticipate the following changes in the information set out in this financial statement: _____

3. Attached are the following:

- | | |
|---|--|
| <input type="checkbox"/> Part 1: Income | <input type="checkbox"/> Part 4: Undue Hardship |
| <input type="checkbox"/> Part 2: Annual Expenses | <input type="checkbox"/> Part 5: Income of Other Persons |
| <input type="checkbox"/> Part 3: Extraordinary Expenses | <input type="checkbox"/> Part 6: Property |

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:
(set out the street address)

Telephone number:

Fax number *(if any)*:

E-mail address *(if any)*:

DECLARATION:

This declaration is to be filled out if your income is tax exempt because of your Indian status.

My name is

full legal name

I live in

municipality and province

AND I DECLARE THAT THE FOLLOWING IS TRUE:

1. I am an Indian within the meaning of the *Indian Act* of Canada.
2. Because of my status, my income is tax exempt and I am not required to file an income tax return.
3. I have therefore not filed an income tax return for the last three years.

Declared before me at

municipality

in

province, state or country

on

date

Signature

Commissioner for Oaths
for Saskatchewan

Instructions

*Please read the instructions (in italics) carefully. **You may not have to complete the Financial Statement at all or, you may only have to complete parts of it.** The instructions tell you what parts of the form you must complete, according to the type of claim involved. When you complete those parts of the form, leave blank any lines that do not apply to you. If there is more than one claim in the proceeding (for example, a claim for spousal support and a claim for child support), you must complete each of the parts of the Financial Statement that apply to you. If you are required to complete a part in relation to one claim, you need not redo that part if the same part is required in relation to a different claim.*

Important Note: *if during the course of the proceeding you find out that the information in this Financial Statement is incorrect or incomplete, or there is a material change in your circumstances that affects the information in this Financial Statement, you MUST serve on every other party to this case and file with the Court the correct or complete information, or a new Financial Statement with updated information, together with any documents that back up that information..*

PART 1 – INCOME

Complete this Part if:

- you are making a claim for child support, or are seeking to vary an order for child support, **and** the amount claimed differs from the table amount in the Federal Child Support Guidelines (e.g. A claim for add-ons, a child is 18 years of age or more, a claim for undue hardship, a case of split or shared custody, the payor's annual income is over \$150,000, the payor stands in the place of the parent);
- there is a claim against you for child support; or
- there is a claim, either by you or against you, for spousal or parental support or you or another party are seeking to vary an order for spousal or parental support.

1 I am:

- ☐ employed as: *(describe occupation)* _____
by: *(name and address of employer)* _____
and I am paid:
- | | |
|--|---|
| <input type="checkbox"/> weekly | <input type="checkbox"/> monthly |
| <input type="checkbox"/> every 2 weeks | <input type="checkbox"/> other <i>(specify)</i> _____ |
| <input type="checkbox"/> twice a month | |
- ☐ self-employed, carrying on business as: _____
☐ a partner in the partnership known as: _____
☐ a farmer
- ☐ unemployed since: *(date when last employed)* _____
☐ a shareholder, director or officer of a corporation, in which I have an interest
(name and address of corporation) _____
☐ a beneficiary under a trust: *(identify trust agreement)* _____

2 The total income declared on my last income tax return in 201__ was \$ _____,
and my net taxable income was \$ _____.

3 I have attached to or served with this form: *(check applicable boxes)*

- ☐ a copy of every personal income tax return filed by me for each of the 3 most recent taxation years, together with a copy of all material filed with the returns and a copy of every notice of assessment or reassessment issued to me for each of those years.
- ☐ a statement from the Canada Revenue Agency that I have not filed any income tax returns for the past 3 years.
- ☐ a declaration that I am not required to file an income tax return because of the *Indian Act* (Canada). *(Use the declaration above.)*
- ☐ a Canada Revenue Agency consent in Form 15-57B signed by me, for the disclosure of my tax returns and assessments for the past 3 years.

IMPORTANT NOTE: *If you are a party to a claim for child support and you are required to fill out Part 1 of this form, the clerk of the Court will NOT allow you to file this Financial Statement unless you have checked one of the boxes in paragraph 3 above and have attached the required document(s).*

Annual Income

Include all income and other money received from all sources for the 12-month period ending on the date of this statement, whether taxable or not. Show gross annual amounts here (to get an annual figure, multiply any weekly amount by 52, or any monthly amount by 12). Give current actual amount if known. Give your best estimate if you cannot find out the actual amount. If your most recent federal income tax return (attached to this statement) sets out what you expect your income to be for this year, simply record those amounts here. Otherwise, record what you expect your income for this year to be from each source of income that applies to you. This will be necessary if your salary has increased, you have become unemployed, you have bought or sold rental properties, any source of your income is not taxable, etc.

1.	Employment income: wages, salaries, commissions, bonuses and overtime (before deductions)			+	
2.	Commissions (If already included on line 1 indicate amount, but do not add in)			+	
3.	Other employment income (Include tips, foreign employment income, net research grants, etc.)			+	
4.	Pension income (Include Old Age Security, CPP, disability, superannuation and other pensions)			+	
5.	Employment insurance benefits (before deductions)			+	
6.	Taxable amount of dividends from taxable Canadian corporations			+	
7.	Interest and other investment income			+	
8.	Partnership income: limited or non-active partners only		Net	+	
9.	Rental income	Gross		Net	+
10.	Taxable capital gains			+	
11.	Child support received	Total amount		Taxable amount	+
12.	Spousal support:	From this relationship			
		From another relationship		+	
13.	Registered retirement savings plan income			+	
14.	Self-employment income:				
	a. Business income	Gross		Net	+
	b. Professional income	Gross		Net	+
	c. Commission income	Gross		Net	+
	d. Farming income	Gross		Net	+
	a. Fishing income	Gross		Net	+
15.	Workers' compensation benefits			+	
16.	Total social assistance payments			+	
17.	Net federal supplements			+	
18.	Other income (Include any taxable income that is not already included above, such as scholarships, bursaries, study grants, certain lump sum payments or death benefits, severance pay, etc. Specify.)			+	
				+	
A	Total annual income:			A	=

BENEFITS

Monetary benefits: Income that is exempt from federal or provincial tax: List all allowances and amounts received from all sources, that are not taxable; such as, amounts exempt because of status under Indian Act; band assistance payments; exempt portion of otherwise taxable amounts; certain disability benefits; etc. Specify.

Non-monetary benefits: List all non-monetary benefits from all sources, that are not included in total income (line A). Include such items as use of a company car, or board and room provided for you, and other expenses paid on your behalf. Give your best estimate of the value of the benefit where you cannot find out the actual value.

Medical or dental insurance coverage: Is medical or dental insurance coverage for your children available to you through your employer or otherwise at a reasonable rate?

Yes ☐

No ☐

Do you have medical or dental insurance coverage for your children?

Yes ☐

No ☐

ADJUSTMENTS TO ANNUAL INCOME

I receive income from dividends from owning shares in Canadian corporations.

Yes ☐

No ☐

I receive income from capital gains from selling property.

Yes ☐

No ☐

Deductions from income:

1. Union, professional association or like dues (if you are an employee): s.1	+	
2. Other employment expenses: s.1 (Specify)		
	+	
	+	
3. Taxable amount of child support I receive: s.2	+	
4. Spousal support I receive from the other party: s.3(1)	+	
5. Social assistance I receive for other members of my household: s.4	+	
6. Actual amount of business investment losses suffered during the year: s.7	+	
7. Carrying charges and interest expenses paid by me and deductible under the Income Tax Act: s.8	+	
8. Prior period earnings included in self-employment income, net of reserves: s.10	+	
9. Portion of partnership or sole proprietorship income property required for capitalization: s.12	+	
Total deductions from income: B		=

Additions to income:

10. Payments to non-arm's length persons: s.9	+	
11. Allowable capital cost allowance with respect to real property: s.11	+	
12. Value of exercised employee stock options in Canadian-controlled private corporations: s.13	+	
Total additions to income: C		=

Annual Income:	(A)	
Subtract Total deductions from income	(B): -	
Add Total additions to income	(C): +	
ADJUSTED ANNUAL INCOME	D =	

CHILD SUPPORT:

The Adjusted Annual Income (D) is to be used to calculate child support in accordance with the applicable child support table set out in the Federal Child Support Guidelines.

The Annual Income to be used where special or extraordinary expenses are claimed:

Adjusted Annual Income	(D)=	
Add Spousal support received from the other party (if any)	+	
Subtract Spousal support paid to the other party (if any)	-	
ADJUSTED ANNUAL INCOME (SPECIAL):	E =	

SPOUSAL OR PARENTAL SUPPORT:

The Annual Income to be used where spousal or parental support is claimed:

Adjusted Annual Income	(D)	
Add Total child support I receive	+	
Add Social assistance I received for other household members	+	
Add Child tax benefits or credits	+	
Add GST/HST credit	+	
ADJUSTED ANNUAL INCOME (SPOUSAL):	F =	

PART 2 – ANNUAL EXPENSES

You must set out your TOTAL living expenses. If you cannot find out the actual amount, give your best estimate.

Source Deductions

1. Canadian Pension Plan contributions _____
2. Employment Insurance premiums _____
3. Employee pension contributions to a registered pension plan _____
4. Medical and dental insurance premiums (*Deducted at source*) _____
5. Income tax _____

Housing

6. Rent or mortgage _____
7. Property taxes _____
8. Homeowner's/Tenant's insurance _____
9. Condominium fees _____
10. Water, Sewer and garbage _____
11. House repairs, maintenance, yard care _____
12. Heat _____
13. Electricity _____
14. Telephone _____
15. Other (*Specify*) _____

Household expenses

16. Food _____
17. Meals outside the home _____
18. General household supplies _____
19. Hair care, toiletries and sundries _____
20. Dry cleaning and laundry _____
21. Furnishings and equipment _____
22. Other (*Specify*) _____

Transportation

23. Public transit, taxis _____
24. Car insurance, registration and license _____
25. Gas and Oil _____
26. Parking _____
27. Car repairs and maintenance _____
28. Other (*Specify*) _____

Health

29. Medical and dental insurance premiums (*Not deducted at source*) _____
30. Health care (*physiotherapy, etc.*) _____
31. Drugs, prescriptions _____
32. Dental care (*including orthodontist*) _____
33. Optical care (*eyeglasses, contact lenses*) _____
34. Other (*Specify*) _____

Personal

35. Clothing, footwear _____
36. Educational expenses (self) (*Specify*) _____
37. Other (*Specify*) _____

Children

38. Clothing, footwear _____
39. Children's allowances, gifts _____
40. School fees, books and supplies _____
41. School activities (*field trips, etc.*) _____
42. Activities, lessons and supplies (*music lessons, clubs, sports, bicycles*) _____
43. Child care, babysitting _____
44. Other (*Specify*) _____

Savings for the future

45. RRSP _____
46. RESP _____
47. Other (*Specify*) _____

Support payments (*Specify for whom, whether tax deductible, voluntary or pursuant of order*)

48. Support being paid in this case _____
49. Support being paid in any other case _____

Debt payments (*other than mortgages*)

50. _____

Other

51. Life or term insurance premiums _____
52. Banking, legal, accounting _____
53. Church, charitable donations _____
54. Entertainment and recreation _____
55. Vacation _____
56. Alcohol / tobacco _____
57. Other (*Specify*) _____

G Total annual expenses

G= _____

Adjusted annual income (D) _____

Subtract

Total annual expenses (G) _____

ANNUAL SURPLUS / (DEFICIT) _____

PART 3 – SPECIAL OR EXTRAORDINARY EXPENSES

- **Complete this Part only if you claim special or extraordinary expenses as part of a child support claim.** Refer to Section 7 of the Federal Child Support Guidelines.

I am claiming an amount to cover special or extraordinary expenses for one or more of the following reasons:
(Indicate which of the following you are claiming.)

- ☐ child care expenses incurred as a result of my employment, illness, disability, education or training for employment;
 - ☐ that portion of the medical and dental insurance premiums attributable to child;
 - ☐ health related expenses that exceed insurance reimbursement by at least \$100 annually per illness or event, including orthodontic treatment, professional counselling provided by a psychologist, social worker, psychiatrist or any other person, physiotherapy, occupational therapy, speech therapy and prescription drugs, hearing aids, glasses and contact lenses;
 - ☐ extraordinary expenses for primary or secondary school or for any educational programs that meet the child's particular needs;
 - ☐ expenses for post-secondary education;
 - ☐ extraordinary expenses for extracurricular activities.
- State the child's name that each expense relates to, the details of each type of expense you are claiming, and the total annual amount of each expense.
 - If the child contributes to payment of the expense, please indicate that contribution and its amount.
 - If you are claiming for a health related expense, please indicate that amount of insurance reimbursement.

CHILD'S NAME	DETAILS OF EXPENSE	TOTAL AMOUNT	CONTRIBUTION / REIMBURSEMENT

- ☐ Receipts or other documentation which shows the amount of the expenses I am claiming for each child are attached to this financial statement.

OR

- ☐ I cannot obtain receipts or other documentation to show the amount of the expense I am claiming because: *(please explain why)*
- ☐ I am eligible to claim or I receive the following subsidies, benefits or income tax deductions or credits relating to the above expenses: *(provide details)*

PART 4 – UNDUE HARDSHIP

- **Complete this Part only if you claim a different amount of child support on the basis of undue hardship.** Refer to Section 10 of the Federal Child Support Guidelines. (Indicate which of the following you are claiming.)

- ☐ Responsibility for unusually high level of debts reasonably incurred to support the family prior to the separation or to earn a living;

Owed to	Purpose	Date incurred	Terms of debt	Annual amount

- ☐ Unusually high expenses for exercising access to a child.

Details of expense	Annual amount

- ☐ Legal duty under a judgment, order or written separation agreement to support another person:
- ☐ Legal duty to support a child, other than a child for whom support is claimed in this application, who is under the age of 18, or at or above the age of 18 but unable to support himself or herself because of illness, disability or other cause:
- ☐ Legal duty to support a person who is unable to support himself or herself because of illness or disability:

- Attach a copy of any judgment, order or written agreement under which the legal duty arises.

Name of person	Relationship	Nature of duty	Annual amount

- ☐ Other undue hardship circumstances:

Details	Annual amount

PART 5 – INCOME OF OTHER PERSONS IN HOUSEHOLD

- ***Complete this Part only if either party is making a claim for a different amount of child support on the basis of undue hardship.***

The following are the names, occupations or sources of income, annual incomes and amount of federal and provincial taxes payable thereon, of:

- (a) any person who has a legal duty to support me or whom I have a legal duty to support;
- (b) any person who shares living expenses with me or from whom I otherwise receive an economic benefit as a result of living with that person; and
- (c) any child whom I or the person described in paragraph (a) or (b) has a legal duty to support.

Other person's name	Occupation or Source of Income	Annual income*	Taxes payable

** Where the information on which to base the income determination is not provided, the court may impute income in the amount it considers appropriate.*

COURT FILE NUMBER _____ of 20__

Clerk's Stamp

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

JUDICIAL CENTRE _____

PETITIONER _____

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 (ext. 1) 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 ____
(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:

(set out the street address)

Telephone number:

Fax number (if any):

E-mail address (if any):

Form 15-57A

COURT FILE NUMBER _____ of 20__

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

JUDICIAL CENTRE _____

PETITIONER _____

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/town) (date) (month) (year)

Signature of Applicant

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:

(set out the street address)

Telephone number:

Fax number (if any):

E-mail address (if any):

Form 15-12A

COURT FILE NUMBER _____ of 20__

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

JUDICIAL CENTRE _____

PETITIONER _____

RESPONDENT _____

Clerk's Stamp

AFFIDAVIT OF PERSONAL SERVICE

I, _____, of the City of _____, in the Province
of _____, MAKE OATH AND SAY AS FOLLOWS:

1 On the ____ day of _____, 201_, I personally served the Respondent with a
true copy of:

(check all that apply)

- ☐ Application for Variation;
- ☐ Financial Statement;
- ☐ 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 said respondent are as follows:

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

3 The postal address of the said Respondent is:

4 The basis of my information and belief as to the address of the said 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:
(set out the street address)

Telephone number:

Fax number (if any):

E-mail address (if any):