

FORMSUPPORT

INTRODUCTION AND GENERAL INFORMATION

When families are separated and parents, and children, or spouses (partners) reside in different provinces, territories or countries (jurisdictions), there can be many challenges. Some families may find it particularly difficult to obtain the child or spousal support they need, or to change the support obligation that has already been established.

To help, there are two different laws that provide for interjurisdictional support processes.

First, most provinces and territories have an *Interjurisdictional Support Orders (ISO) Act*. This Act allows a person to ask a court

in another jurisdiction to decide a support claim in the jurisdiction where the other person resides. Where “court” is used in the Forms and Guides documents, it is meant to include tribunals or administrative bodies.

Second, the *Divorce Act* also has an interjurisdictional support process. This federal *Act* allows a former spouse (person already divorced in Canada), to ask a Canadian court or a provincial child support service to decide a support claim in the province or territory where the other former spouse resides.

Tips

- The Forms you submit as part of your application will organize your information for the court. You should include as much information as possible so that the court can make an informed decision.
- If you are making your application under provincial or territorial ISO legislation, you must complete either Form A.1 or A.2. If you are making your application under the *Divorce Act*, then you must complete either Form A.3 or A.4.
- Use the tables included in the FormSupport Introduction and General Information Guide or consult your provincial or territorial website to determine the additional Forms you need to complete.
- Use a working copy and a final copy when completing these Forms. To ensure that the final copy is neat and legible, only complete the final copy when satisfied with your responses.
- Include all copies of receipts, documents and other evidence that will help prove statements and claims you make. Documents provided will form part of the evidence for the matter and cannot be returned.
- Receipts and documents may contain address information that you may wish to remain confidential. If you choose to conceal the address information, ensure that you keep the originals in case the court requires that you provide them.
- After completing all of your Forms, you must swear to the accuracy of all the information that you provided – just like if you were in court providing the evidence in person.

For more information on family justice matters, visit www.justice.gc.ca or <https://www.princeedwardisland.ca/en/information/justice-and-public-safety/family-law>.

If you live on PEI and have questions about the interjurisdictional support process or would like assistance to finalize your forms for child support, you may contact a Child Support Guidelines Officer at (902) 368-6220. This is a free government service. Child Support Guidelines Officers are not lawyers and do not provide legal advice.

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If you were never married or are still married but not requesting a divorce, you have to make your application under provincial or territorial ISO legislation (Form A.1 or A.2).

Speak to a lawyer for advice if you have a Divorce proceeding in progress that includes a claim for support or if you are divorced and there is a support claim under the *Divorce Act* that has not been decided.

If you were granted a divorce in Canada, but your divorce judgment does not provide for child support, you may apply either under the *Divorce Act* using Form A.3 or under the provincial or territorial ISO legislation to get child support, using Form A.1.

If you were granted a divorce in Canada, but your divorce judgment does not provide for spousal support, you can apply under the *Divorce Act* (Form A.3). In some provinces or territories, you may also be able to apply under provincial or territorial legislation (Form A.1). Different provinces or territories have different rules that apply to spousal support under their legislation. You may wish to speak with a lawyer for advice about what is best in your circumstances.

If you were granted a divorce in Canada and your judgment includes child and/or spousal support, you have to make your application under the *Divorce Act* (Form A.4).

These Forms can be used between provinces and territories. If your application is made under provincial or territorial ISO legislation, these forms can generally be used for applications when the other party resides in the United States or in another country with which your province or territory has an arrangement. However, in some cases

additional or alternative Forms may be required. **In PEI, you may wish to contact a Child Support Guidelines Officer at (902) 368-6220 for details and for a list of jurisdictions with which PEI has an arrangement.**

If you are seeking to change support set out in a written agreement rather than a court order, it may need to be registered with a court in both jurisdictions before the variation application can be completed.

Child Support Guidelines in Canada

Child support guidelines are a set of rules and tables to apply when determining child support. The guidelines include very detailed tables, specific to each province and territory, which provide the amount parents should pay.

The courts must follow the applicable child support guidelines, unless there are special circumstances.

The Department of Justice Canada has a publication, *The Federal Child Support Guidelines: Step-by-Step*, which contains general information about child support, including guidance on determining which guidelines apply to you. The publication may be accessed from the following website: www.justice.gc.ca.

How the Forms work

These Forms and Guides have been created to help you in providing the information the court will require to make an informed decision. Completing the Forms is not something that you should take lightly as the

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information provided will be your evidence in court.

NOTE: Information contained in your application, including your contact information, will be included in the package provided to the Respondent and will form part of a court file that MAY BE available to the general public. If you are concerned about providing your own address, you may provide an alternative address where you can be contacted.

Designated Authority

Every jurisdiction has an office responsible for receiving and sending packages between jurisdictions which serves as a Designated Authority. **Prince Edward Island's designated authority is located in the Maintenance Enforcement Program ((902) 894-0383)).**

Other options

If you do not wish to use the interjurisdictional support process under provincial or territorial ISO legislation or the *Divorce Act*, there may be alternatives. You may wish to speak with a lawyer to discuss your options. **In PEI, you can call Community Legal Information (CLI) at (902) 892-0853 for a referral to speak to a lawyer for up to 45 minutes for \$25 + hst.**

Getting started

All support order applications require you to complete a form to start the application.

Use Form A.1 or A.2 if you are making your application under provincial or territorial ISO legislation.

Use Form A.3 if you are making a new application under the *Divorce Act*.

Use form A.4 if you are applying to vary (change) an order made under the *Divorce Act*.

The first of the following tables helps you identify the additional Forms you need to complete to make a **new** support application. The second and third tables help you identify the Forms you need to complete to **change** an existing order.

For new support orders

Use this table if you **do not already** have a support order. The person applying for the order is called the "Claimant" or "Applicant" and the person responding is called the "Respondent".

All applications require one of the mandatory "A" forms (Form A.1 or A.3). You have to choose the mandatory "A" Form and all other forms that apply to your situation.

If you are making your application under provincial or territorial ISO legislation, you will be required to complete Form A.1 and additional Forms as outlined below. Where information is provided in an affidavit it may be attached to your application. You also need to complete the Additional Locate Information Form. This will provide information to help locate the Respondent in the other jurisdiction.

If you are making your application under the *Divorce Act*, you will be required to complete Form A.3 and additional Forms as outlined below. Where information is provided in an affidavit, it may be attached to your application. You also need to complete the

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Additional Locate Information Form. This will provide information to help locate the Respondent in the other jurisdiction.

Support Application – If you do not have a support order now		
Complete Mandatory Information applying to your situation only:		Complete Form(s)
<input type="checkbox"/>	I am applying for a support order under the applicable provincial or territorial ISO legislation.	Form A.1: Support Application Additional Locate Information Form
<input type="checkbox"/>	I am applying for a support order under the <i>Divorce Act</i> .	Form A.3: Support Application Additional Locate Information Form
Additional Information:		Complete Form(s):
<input type="checkbox"/>	I am asking for support for 1 or more child(ren).	Form C: Child Support Claim
<input type="checkbox"/>	I am asking for support for 1 or more child(ren) under the age of majority in a different amount than in the child support guidelines tables.	Form E: Request for Child Support Different than Child Support Guidelines Table Amount Form I: Financial Statement
<input type="checkbox"/>	I am asking for support for 1 or more child(ren) at or over the age of majority .	Form E: Request for Child Support Different than Child Support Guidelines Table Amount Form I: Financial Statement Form J: Child Status and Financial Statement
<input type="checkbox"/>	I am asking for additional child support to cover special or extraordinary expenses such as child care, health-related expenses, the child's portion of medical or dental health premiums, extraordinary expenses for education, post-secondary expenses, or extraordinary expenses for extracurricular activities.	Form F: Special or Extraordinary Expense Claim Form I: Financial Statement
<input type="checkbox"/>	I believe the Respondent may claim not to be the parent of the child(ren). If the parentage of the child(ren) is to be raised as an issue, I am asking for a determination that the Respondent is the parent of the child(ren).	Form B: Parentage (Only possible if filing Form A.1.)
<input type="checkbox"/>	I want the court to make an order even if the Respondent does not come to court, or give financial information.	Form D: Request for a Support Order (if Respondent does not provide financial information)

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Support Application – If you do not have a support order now

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I am asking for support for myself.

Form H: Support for
Claimant/Applicant

Form I: Financial Statement

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To change an existing support order – support recipient

Use these tables if **you receive** support and you want to change a support order or written agreement you **already have**.

The person applying for the order is called the “Applicant” and the person responding to the application is called the “Respondent”.

All application requires one of the mandatory “A” form (Form A.2 or A.4). You have to choose the mandatory “A” Form and all other forms that applies to your situation.

If you are making your application under provincial or territorial ISO legislation, you will be required to complete Form A.2, Form K

additional Forms as outlined below. Where information is provided in an affidavit it may be attached to your application. You also need to complete the Additional Locate Information Form. This will provide information to help locate the Respondent in the other jurisdiction.

If you are making your application under the *Divorce Act*, you will be required to complete Form A.4, Form K and additional Forms as outlined below. Where information is provided in an affidavit, it may be attached to your application. You also need to complete the Additional Locate Information Form. This will provide information to help locate the Respondent in the other jurisdiction.

Support Variation Application – If you receive support		
Complete Mandatory Information applying to your situation only:		Complete Form(s)
<input type="checkbox"/>	I am applying to change a support order under the applicable provincial or territorial ISO legislation.	Form A.2: Support Variation Application Form K: Evidence to Support Variation of a Support Order Additional Locate Information Form
<input type="checkbox"/>	I am applying to change a support order under the <i>Divorce Act</i> .	Form A.4: Support Variation Application Form K: Evidence to Support Variation of a Support Order Additional Locate Information Form
Additional Information:		Complete Form(s)
<input type="checkbox"/>	I want to change the child support obligation.	Form C: Child Support Claim Form D: Request for a Support Order (if Respondent does not provide financial information)

Support Variation Application – If you receive support		
<input type="checkbox"/>	I want to change or add child support for 1 or more child(ren) at or over the age of majority.	Form E: Request for Child Support Different than Child Support Guidelines Table Amount Form J: Child Status and Financial Statement Form I: Financial Statement
<input type="checkbox"/>	I want to change the amount of child support to an amount different from the child support guidelines tables.	Form E: Request for Child Support Different than Child Support Guidelines Table Amount Form I: Financial Statement
<input type="checkbox"/>	I want to change, or add, an amount for special or extraordinary expenses such as child care, health-related expenses, the child's portion of medical or dental health premiums, extraordinary expenses for education, post-secondary expenses, or extraordinary expenses for extracurricular activities.	Form F: Special or Extraordinary Expense Claim Form I: Financial Statement
<input type="checkbox"/>	I want to change the amount of support for myself.	Form D: Request for a Support Order (if Respondent does not provide financial information) Form H: Support for Claimant/Applicant Form I: Financial Statement

To change an existing support order – support payor

Use these tables if **you pay** support and you want to change that support order or written agreement.

All application requires one of the mandatory "A" form (Form A.2 or A.4). You have to choose the mandatory "A" Form and all other forms that applies to your situation.

If you are making your application under provincial or territorial ISO legislation, you will be required to complete Form A.2, Form K and additional Forms as outlined below. Where information is provided in an affidavit it may be attached to your application. You also need to complete the Additional Locate Information Form. This will provide information to help locate the Respondent in the other jurisdiction.

If you are making your application under the *Divorce Act*, you will be required to complete Form A.4, Form K and additional

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Forms as outlined below. Where information is provided in an affidavit, it may be attached to your application. You also need to complete the Additional Locate

Information Form. This will provide information to help locate the Respondent in the other jurisdiction.

Support Variation Application – If you are required to pay support		
Complete Mandatory Information applying to your situation only:		Complete Form(s)
<input type="checkbox"/>	I am applying to change or cancel a support order that requires me to pay support under the applicable provincial or territorial ISO legislation.	Form A.2: Support Variation Application Form K: Evidence to Support Variation of a Support Order Additional Locate Information Form
<input type="checkbox"/>	I am applying to change or cancel a support order that requires me to pay support under the <i>Divorce Act</i> .	Form A.4: Support Variation Application Form K: Evidence to Support Variation of a Support Order Additional Locate Information Form
Additional Information:		Complete Form(s)
<input type="checkbox"/>	I want the court to make an order even if the Respondent does not come to court, or give financial information (if applicable).	Form D: Request for a Support Order (if Respondent does not provide financial information)
<input type="checkbox"/>	I want to change child support for a child or children under the age of majority because my income has changed.	Form I: Financial Statement
<input type="checkbox"/>	I want to change child support for a child at or over the age of majority .	Form G: Request to Pay Child Support Different than Child Support Guidelines Table Amount Form I: Financial Statement Form J: Child Status and Financial Statement

Support Variation Application – If you are required to pay support

<input type="checkbox"/>	I want to end my obligation to pay child support because the child or children are at or over the age of majority and I believe that they are no longer entitled to or in need of child support.	Form J: Child Status and Financial Statement
<input type="checkbox"/>	I want to change the amount of child support to an amount different from the child support guidelines tables.	Form G: Request to Pay Child Support Different than Child Support Guidelines Table Amount Form I: Financial Statement

Completing your application

If you are missing any Forms or Guides, you can get them online or your provincial or territorial interjurisdictional services will be able to tell you where to obtain them.

When you fill in the final version of each Form, be sure to sign it, **except Form A.1, Form A.2, Form A.3 and Form A.4**, which must only be signed in the presence of a Notary Public or a Commissioner of Oaths (see the next section).

Once sworn, you will not be able to add or edit information in the Forms, so make sure you are satisfied with your work before moving on to the next step.

Swearing/Affirming your application

When you make an application through the interjurisdictional support process (either under the applicable ISO Act or the *Divorce Act*), you will not attend court, so your documents will take the place of your evidence under oath in court.

Giving sworn or affirmed evidence is an important part of any court action. As you will not be in court, your application package will speak for you. For that to happen, it must be sworn or affirmed. When your application package is complete, follow these steps:

1. Make sure you have completed all of the Forms required for your application, and any documents that go along with them. In most cases, photocopies of the attached supporting documents should be used.
2. **Do not** sign Form A.1, Form A.2, Form A.3 or Form A.4 yet, as these must be sworn. You must sign all the remaining Forms as they are completed. The Forms with your original signature should be included in the application package that will be sworn.
3. Put the Forms and documents in order, from the first letter (A) to the last one you completed. **Do not** include the

FormSupport Guides as they are not part of your application.

4. Take your original application package to a Notary Public or Commissioner of Oaths to have your application sworn or affirmed. There may be a fee. If you are asked what kind of document, say it is an “Interjurisdictional support application.” If this person does not know you, you will be required to show photo identification.

NOTE: Many jurisdictions will only accept interjurisdictional documents that have been sworn before a Notary Public. Contact your Designated Authority to determine whether an alternative is available.

5. The Notary Public or Commissioner of Oaths will ask you if you swear or affirm that you have read the documents and that **the contents are true**. If you say yes, you will be asked to sign the last page of Form A.1, Form A.2 Form A.3 or Form A.4.

When you have signed, the Notary Public or Commissioner of Oaths will fill in part of the Form, sign it and add his/her stamp or seal where indicated.

6. Make three copies, in addition to your original, of your entire sworn application package including all documents and papers. The court will require the original and three copies. You should keep the third copy for your own records.

Sworn package

The sworn package is the evidence that the court will use to make its order. It has your

original signature on it, and it has been notarized. Once the package is sworn, **do not** add any other documents to it, or make any changes.

Submitting your application

Include three copies of the full application package: the sworn original copy of the application, and two photocopies. Each package should start with Form A.1, A.2, A.3 or A.4, followed by the remaining Forms and other documents.

NOTE: Please also file a completed Additional Locate Information Form with your application separately. The Additional Locate Information Form is required in all files and should be filed with but NOT attached to your sworn application. This will provide information to help locate the Respondent in the other jurisdiction.

What happens next?

It is your responsibility to ensure your application is complete.

The staff cannot give you legal advice, or tell you what should go in your application. They do not check your facts or your calculations. They will check whether the documents noted in your application are attached and signed. If they discover that something is missing, they may send the package back to you with a letter stating what is needed. If the package comes back, you will have to have it sworn again and your application will be delayed. This is why it is important to check your documents before submitting them.

Once the application package is complete, the Designated Authority's office will send it to the other jurisdiction.

Your package may be reviewed again when it gets to the other jurisdiction. If more information is needed, the other jurisdiction may contact the Designated Authority, who will return the package to you. When everything is ready, the package goes to court in the other jurisdiction.

If you have forgotten to include some evidence with your application, or your circumstances have changed since you sent in your interjurisdictional application, you may send an Affidavit to include your additional evidence and/or explain what has changed. Contact your Designated Authority to find out more about this process.

At the other jurisdiction's court

The Respondent will receive formal notice that you have made an interjurisdictional application. The Respondent will get a copy of your application and will be directed to submit a response to the court based on the law and rules in that jurisdiction.

A judge or competent authority will look at the package of documents you sent, along with any evidence the Respondent provides. The judge can then make an order based on the evidence presented and the relevant law.

NOTE: Sometimes the judge will want more information from you before making an order. This may be to get more up-to-date information, or the Respondent might say something in court and the judge wants to hear what you have to say in response. If this happens, the court will make a "Request for Further Information" that details what it needs from you. The court officials will send it to the Designated Authority's office, which in turn will forward it to you. What you send back will in most cases have to be sworn, depending on the other jurisdiction's requirements. The court case will continue when you return the information.

The court order

When the court has all the information it needs, it may make an order. The court will issue the order, and send it to the Designated Authority. You will receive a copy.

NOTE: A judge will not approve your application just because you ask for something. The court will look at all the information it is given, and will make a decision on your application. The court may give reasons for making a particular order, and you may get a copy of those reasons. You may wish to speak to a lawyer as soon as possible if you do not agree with the order.