

Families face challenges every day. There are communication issues, problems with money, disagreements about how to raise the kids. When a family splits up, those things don't go away. When one of the partners is in a different province, territory, or country, a whole new set of challenges is created.

The world has become a smaller place. People move, they get different jobs, they go into new relationships. But their families – especially if there are children – continue. And so do the challenges.

For many families one of the hardest parts to deal with is money – family support, or maintenance. That's why the *Interjurisdictional Support Orders Act* exists. The *Act* gives you a way to ask a Court to decide about the financial part of your family relationship, even though the other person is in a “reciprocating jurisdiction”. The forms are a way to organize the information the Court needs. The FormSupport guides will help you prepare your application.

### What's a reciprocating jurisdiction?

If a couple lives in the same province, territory, or country and their relationship ends, one of them can go to the local Court and apply for a support (or maintenance) order. The other person will be summoned to Court and there will be a hearing. Unless the two people agree, and get a written agreement or consent order, the Court will decide how much support will be paid. The Court follows the laws of the place where the couple lives.

When the two people live in *different* places, which laws do the Court use? Many years ago one person would have to travel for a Court hearing in one place or the other. With “reciprocity”, Prince Edward Island has agreements with over 65 different places to honour and recognize each other's support laws and orders. They include all the Canadian provinces and territories, most of the United States, and several other foreign countries. This means that a person can start an application in Prince Edward Island and an order can be made, or changed, or enforced, where the other person lives. The order is “good” in both places.

In Prince Edward Island, and in Canada, most of the reciprocal cases are between Canadian provinces and territories. The Canadian “reciprocating jurisdictions” have developed standard laws and forms for the whole country.

### Will this apply to my case?

Probably. If, when you asked for the application forms, you said the other person was in one of the “reciprocating jurisdictions”, you can use the forms. Your application must be about support (maintenance).

If you are applying to change an order made under Canada's *Divorce Act*, this is not the application for you. The *Divorce Act* is a federal law. It has its own rules about making and changing its orders. All applications must be made to the Supreme Court of the province. You may wish to talk to a lawyer if you want to change your *Divorce Act* order.

### Are there other ways of doing this?

Yes, there are. If both of you agree, you can choose to apply to one Court, or another. It's as though you both lived in one province, territory, or country. The order could then be “registered” in the other place. When registered, the order has the same effect as if it is made in both places. This is another thing that “reciprocating jurisdictions” have agreed to do.

Or you can hire a lawyer and talk about applying in a Supreme Court, or having a lawyer in the other person's jurisdiction go to Court for you.

Or, if you both agree, you can write a formal agreement. That, too, can be “registered” in both places, and will be legal. It's another part of “reciprocity”.

Finally, you can consider **mediation**. Usually, mediation happens when both people can sit down together with a mediator. With the two of you in different places, there are some location differences to work out. But if you and the other person want to come to your own agreement about support, you can make mediation work for you. Even if you can't agree on everything, you may be able to reduce the

number of decisions you ask the Court to make for you. If you're interested, contact Family Court Services at (902) 368-6928 or look up mediation in the yellow pages of the telephone book. You can also ask friends, a lawyer, a social worker, or a community agency or counselling centre that works with families. If you do not use mediation, the public library, the internet, and many family-centred groups can give you valuable information on how mediation methods can help you talk with the other person about sensitive issues.

**Isn't there an easier way to do this?**

Unfortunately, no. You are asking a Court in a different province, territory, or country to make an order for you. To do that, the Court needs evidence. You are not going to be there, so your documents will speak for you. Putting the documents together is not something you can do in an evening. You must decide whether you want to put in the time and effort to give the Court what it needs. The Office of Attorney General has provided these FormSupport guides to help you. If you have legal questions, you may need to talk to a lawyer.

**Getting started**

The first step is to look at the charts below this section. The first one is about the forms you need to make a support application. It lists the types of support, and the forms for each type. You will have one copy of each of the forms you asked for, and one copy of the matching FormSupport guide.

If you are missing any forms, please contact one of the Child Support Guidelines Offices located at the Honourable C.R. McQuaid Family Law Centre, 1 Harbourside Access Road, Charlottetown at (902) 368-6220 or the Summerside Law Courts, 108 Central Street, Summerside at (902) 888-8188.

In each chart below, there are examples. They may help you decide if you have the right forms for your application.

If you require assistance with these forms, contact the Child Support Guidelines Office at (902) 368-6220 to inquire about upcoming information sessions and other assistance provided by that office.

**FOR SUPPORT**

Use this part if you *do not* have a support (maintenance) order now. You are the "claimant"; the other person is the "respondent".

<b>If your claim is for</b>	<b>Fill out Form(s)</b>
Any application for support	A and B
A determination that the respondent is the parent of the child(ren) named in your application. This is about "parentage". The Court will want to declare (include in the order) that the other person is a parent who has a duty to support a child. See the guide for Form C to find out if you need Form D for your application.	C, and D if necessary.
Child support	E and F
That the respondent obtain and maintain medical and/or dental insurance coverage for the child(ren) and/or yourself	E and F
Child support for a child over the age of majority (age 18 in P.E.I.)	G and L (1 form for each child)
Child support if you and the respondent have split or shared custody	G
Child support if you are making a claim for an order that is <b>not</b> according to the Child Support Guidelines tables, because that amount would cause you or the child(ren) undue hardship	G
Child support, when the respondent makes over \$150,000 per year	G
Special expenses, for childcare, health, insurance, extracurricular, or education expenses for a child or children	H
Support for yourself	J and F
If you choose <b>any</b> of Forms G, H, or J	K

**Examples:**

1. Cathi is asking for an order that Ryan pay support for their child, Emma who is 7. Cathi is not asking for support for herself, and Emma has no “special expenses” for health, education, or for childcare. Cathi will fill out Forms A, B, C, E and F. Unfortunately, Wai Lun has not been paying what he promised. Mai is going to ask the Court in the “reciprocating jurisdiction” to make a support order. For Mai, there will be a lot of forms to fill out. She will use Forms A, B, C, E, F, G, L and K.
2. In another example, Wai Lun and Mai separated a few months ago, and Wai Lun moved to a “reciprocating jurisdiction”. He said he would pay support for the 15-year old, and for the 19-year old who lives at home and is going to school. He was also going to pay support for Mai – she has worked part-time for many years. The younger child has a disability and needs medicine, physical therapy, and goes to a private school which can handle his needs.
3. Michael and Dan were together for over 10 years, and have two children. They adopted the 8-year old, and the 12-year old is from a former relationship Michael had. Dan always acted as a parent to the older child. Michael is asking the Court in Dan’s “reciprocating jurisdiction” to make a support order for both children. He will fill out Forms A, B, C, D, E, and F.

**For SUPPORT VARIATION**

Use this part if you *have* a support order or written agreement now, and you want to change it. You are the “applicant”; the other person is the “respondent”.

**If you are a support Recipient (the person receiving support)**

If your claim is to change or end an order	Fill out Form(s)
Any application to change or end a support order	A, B, and M
For the amount of child support	E and F
Child support for a child over the age of majority (age 18 in P.E.I.)	G and L (1 form for each child)
Child support if you and the respondent have split or shared custody	G
Child support if you are making a claim for an order that is <b>not</b> according to the Child Support Guidelines tables, because that amount would cause you or the child(ren) undue hardship	G
Child support, when the respondent makes over \$150,000 per year	G
Special expenses, for childcare, health, insurance, extracurricular, or education expenses for a child or children	H
Support for yourself	J and F
If you choose <b>any</b> of Forms G, H, or J	K

**If you are a support Payor (the person paying support)**

If your claim is to change or end an order	Fill out Form(s)
Any application to change or end a support order	A, B, K, and M
If you want the Court to make an order even if the respondent does not go to Court or file documents	F
For child support for a child over the age of majority (age 18 in P.E.I.)	I
For child support if you and the respondent have split or shared custody	I
To change the amount of child support you pay if you are making a claim for an order that is <b>not</b> according to the Child Support Guidelines tables, because that amount would cause you or your family undue hardship	I

### Examples:

4. *Trina has learned that Suresh has now finished his training, and has a well-paid permanent job in his “reciprocating jurisdiction”. The order for support for their 2 young children was made using the Child Support Guidelines. It was based on the income Suresh had when he was a student. Trina would like a new order, according to the income Suresh has now. She will use Forms A, B, E, F and M.*
5. *In another example, Gordon and Lisa have a support order which they got soon after they separated. Gordon moved to BC and had a good job, but was laid off. After being out of work for 6 months, he now has a new job, but it doesn’t pay as well, and he has child support arrears and other debts and can’t keep up with the payments. He is asking the Court to change the amount of support he pays. He believes the Child Support Guidelines table amount will cause his new family undue hardship. He will use Forms A, B, F, I, K and M.*
6. *And finally, Roger wants to stop paying Cecile support for their son, Martin. Martin is only 17, but he has dropped out of school, has left home and is living with his girlfriend. He is working full-time. Roger asks to pay support for the two younger children, still living with their mother, at the Child Support Guidelines amount for his income. He wants the support for Martin to end as of the date Martin quit school. Roger will fill out Forms A, B, F, K and M.*

### When you have all the forms you need

Use the FormSupport guide that goes with each form – it has information you need.

Fill out your forms and put together the documents you need. Your whole application package will be “sworn” (see the next section), but the Courts like to see a signature showing that you have thought about each claim you make, and about the facts to support your statements.

Your application forms are not something you can, or should, do in a hurry. You are taking an important step for yourself and your family. Take your time, and give this task the effort it deserves.

### Swearing/Affirming your application

The information you have put in your forms is part of your application. Any documents you attach to the forms are part of the application too. Your application – the whole package – is evidence. Remember, you will not be at Court in the “reciprocating jurisdiction”. Your application package will speak for you.

If you *were* in Court, you would give your evidence under oath. You would have to swear (using the Bible) or affirm (a formal promise, without a connection to religion) that what you are saying is true. This step is very serious. It goes far back in history. Giving sworn or affirmed evidence is an important part of any Court action.

But you will not be in Court, and your application package will speak for you. For that to happen, it must be sworn or affirmed. When your application package is complete, these are the steps you follow:

1. Make sure you have all the Forms for your application, and any documents that go along with them.
2. *Do not* date and sign the forms.
3. Put the Forms and documents in order, from the first letter (A) to the last one you used. *Do not* include the FormSupport guides – they are not part of your application.
4. Make one photocopy of your whole application – Forms, documents, and any other papers you are including with your application. Make the copy on one side of white paper only. Use a paperclip (not a staple) to keep the copy together.
5. Go to a Notary Public to have your original application and one photocopy sworn and notarized. A Notary Public is a person who is authorized to take oaths. All lawyers in P.E.I. are also Notaries Public. Check your yellow pages for lawyers, or notaries, to find someone near you. Call the office and say that you have two documents to be notarized, and ask for an appointment. There will be a small fee. Ask what the fee will be. If you are asked what kind of document, say it is a “reciprocal support application, being sent outside P.E.I.” If you are unable to have the application notarized by a lawyer, contact the Child Support Guidelines

Office at (902) 368-6220 for assistance in this matter.

6. When you see the lawyer or notary, take your original package (all your Forms and documents), and one photocopy of the whole package. It may not be required, but take along photo identification if you have it.
7. Tell the lawyer or notary that you want to swear the original and a photocopy of your package.
8. The lawyer or notary 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 on the last page of Form A. When you have signed the original and a photocopy of your package, the lawyer or notary will fill in part of the form, sign it, and “seal” the page with a tool that puts a raised stamp on the page.

You now have two important packages of documents:

**Sworn Original Documents**

This is the package of documents you filled out. It includes all the signed Forms, and any other evidence. It has your original signature on it, and it has been notarised. Once the package is sworn, *do not add any other documents to it, or make any changes.* The original of the whole application is now the evidence that the Court will use to make its Order.

**Sworn Photocopy**

This package with your original signature that has been notarised will be kept on file with the Reciprocals Office. In the very unlikely event that your documents are lost in the mail, you can “re-create” your application with these originals.

The Court in the reciprocating jurisdiction needs three copies of your application package. It needs the sworn original, and two photocopies of it. Make two photocopies of the whole sworn original package. (If you want to keep a copy for yourself, make an extra copy.)

**The Reciprocals Office**

The law says that a government official - the “designated authority” – must send all applications to the reciprocating jurisdiction.

Every reciprocating jurisdiction has an office that is responsible for receiving and sending reciprocal support packages. In P.E.I., the Child Support

Guidelines Office is responsible for receiving support packages from claimants/applicants and the Maintenance Enforcement Office is responsible for sending and receiving reciprocal support packages from the designated authority in the reciprocating jurisdiction. Both offices are part of the Office of the Attorney General.

Forward your sworn original, your sworn photocopy of the original, and two photocopies of the sworn original to the Child Support Guidelines Office at:

**CHILD SUPPORT GUIDELINES OFFICE  
HONOURABLE C.R. McQUAID FAMILY  
LAW CENTRE  
1 HARBOURSIDE ACCESS ROAD  
CHARLOTTETOWN, P.E.I.  
C1A 7N8**

The staff at the Child Support Guidelines Office will review your application package. The staff cannot give you legal advice, or tell you what should go in your application. They will check that the package is complete, with enough copies, and includes all of the forms you checked off on Form A. They do not check your facts, or your addition. If there is something missing, the office will send the package back to you with a form letter saying what is needed. This is why it is so important to check your forms and documents. If the package comes back, you will have to have it sworn again. Your application will also be delayed.

If the application package is complete, the Child Support Guidelines Office will forward the documents to the Maintenance Enforcement Office, who will send it to the Reciprocals Office in the reciprocating jurisdiction. When it is sent away, you will get a letter from the Maintenance Enforcement Office saying it has been sent. You can expect a letter from the Office within about 3 weeks.

Your package will be reviewed again when it gets to the reciprocating jurisdiction. If more information is needed, the reciprocating jurisdiction will contact you directly, or may contact the P.E.I. Maintenance Enforcement Office, who will contact you. When everything is complete, the package goes to Court.

**At the reciprocating Court**

The respondent (the other person) will receive formal notice that you have made an application to the

Court. The respondent will get a copy of your application. A Court date is set, and the respondent is told to file a package of sworn documents at the reciprocating Court.

On the Court date a Judge will look at the package of documents you sent, along with any documents the respondent filed. If the respondent is at Court (with or without a lawyer), the Court may hear sworn evidence from the respondent. The Judge can then make an order.

**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. If this happens, the Court will make a “Request for Further Information” saying what it needs from you. The Court officials in the reciprocating jurisdiction will either send this document directly to you, or to the P.E.I. Maintenance Enforcement Office, and the Reciprocity Officer will send it to you. The additional information that you send back must be sworn. You bring the sworn document to the Maintenance Enforcement Office at the Honourable C.R. McQuaid Family Law Centre, 1 Harbourside Access Road, Charlottetown, P.E.I. The Reciprocity Officer will forward it to the reciprocating jurisdiction. The Court case will continue when you forward the additional information.

### **The Court Order**

When the Court has all of the information it needs, it will make an order. The Court will write the order, and you will receive a copy of it from the P.E.I. Maintenance Enforcement Office.

*It is important that you know this fact:* just because you ask for something, doesn't mean you will get it. You have asked the Court to make decisions for you about the financial part of your family life. You may have taken this step because you and the respondent can't work things out between you. The Court will look at all of the information it is given, and will make a decision on your application. It's what you have asked the Court to do. The Court may give reasons for making a particular order, and you will get a copy of those reasons. If you think that the Court did not have all the facts, you can make another application.

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If you have looked through the Forms and FormSupport guides, you know that you have a lot of work to do. Take it one step at a time, don't rush, and be sure to include all of the information the Court needs. Know that there are no guarantees, but that with care and attention to detail, you can prepare a reciprocal package on your own. You are doing this for yourself, and your family.