

**MAKING A SUPPORT OR SUPPORT VARIATION APPLICATION OUTSIDE
PRINCE EDWARD ISLAND
- CHOOSING WHICH FORMS TO USE -**

Introduction

Prince Edward Island has reciprocal agreements with all of the Canadian provinces and territories, and with several foreign countries. These are “reciprocating jurisdictions”. This means that Prince Edward Island and each of the “reciprocating jurisdictions” have agreed to recognize the family support (maintenance) orders and agreements made in the other place. An order or written agreement made in one place is “good” in the other.

The Prince Edward Island law about reciprocity is the *Interjurisdictional Support Orders Act*, which is called “ISO” as a short form. Each of the reciprocating jurisdictions has very similar ISO laws.

Using ISO, you can apply for a support order in one of the reciprocating jurisdictions without having to go there. You can also apply to change an existing support order. A person in one of the reciprocating jurisdictions can do the same thing. The person making the application does not usually have to go to Court. The respondent (the person in the reciprocating jurisdiction) goes to Court to *respond* to the application. There are several forms available for applications using the ISO laws.

Not all of the forms are needed for every application. By answering a few questions, you can pick the forms that you need.

1. Where does the other person (the respondent) live? _____

2. Is this a “reciprocating jurisdiction”?

Look at the list in the box on the next page. If the respondent lives in one of the reciprocating jurisdictions, go on to the next question. If your answer is “no”, you may still make an application under ISO to the Supreme Court of Prince Edward Island, provided you give the respondent notice. Your order will not, however, be enforced where the respondent lives. You may wish to talk to a lawyer for assistance before deciding to proceed.

Reciprocating Jurisdictions – arranged geographically	
<p>In Canada All Canadian Provinces and Territories</p> <p>In the United States of America Alaska, Arizona, Arkansas, California, Colorado, Connecticut, Delaware, Florida, Georgia, Hawaii, Idaho, Illinois, Kentucky, Louisiana, Maine, Maryland, Michigan, Minnesota, Missouri, Montana, Nevada, New Jersey, New York, North Dakota, Oklahoma, Oregon, South Dakota, Tennessee, Texas, Utah, Vermont, Virginia, Washington, Wisconsin and Wyoming</p> <p>In the United Kingdom † England, Guernsey, Alderney, Sark, Northern Ireland, States of Jersey and Isle of Man</p> <p>In Europe Austria Poland Federal Republic of Germany Malta</p>	<p>In Africa Zimbabwe</p> <p>In Asia Singapore</p> <p>In Oceania Australia* Papua New Guinea New Zealand* †</p>
<p>* Note: Australia and New Zealand require special forms for applications. They are <i>not</i> available on the Prince Edward Island website. If your application is to Australia or New Zealand, contact the Child Support Guidelines Offices for assistance. See page 4 for contact information.</p>	
<p>† These jurisdictions require what is known as a provisional order. You will still complete the forms as you would for an ISO application, but a judge in Prince Edward Island will look at them and make a provisional order, which is then sent to the reciprocating jurisdiction. The Court in the reciprocating jurisdiction will hear the respondent's evidence as well as review the material in your application and will either confirm the order granted by the Supreme Court of Prince Edward Island, substitute its own order, or refuse to confirm the order. In addition to the ISO Forms, you must also submit a blank form of order. Contact the Child Support Guidelines Offices for assistance. See page 4 for contact information.</p>	

3. What are you applying for? Which of these statements applies to you?

- G I want to get an order for support for children, and/or myself. I *do not* have an order or written agreement that deals with support. Fill out **Section A** on the next page.
- G I want to change an order or agreement that deals with support for children and/or myself. I am the person who **receives** support in the order or agreement I have now. Fill out **Section B** on the next page.
- G I want to change or cancel the support in an order or agreement I have now. I am the person who is required to **pay** support in the order of agreement I have now. Fill out **Section C** on the next page.
- G I want to change or cancel the support in my Divorce order. *(If this statement applies to you, you cannot use ISO laws for your application. The Divorce Act is a federal law and it has its own rules. You may wish to obtain legal advice on how to change or cancel the support in your Divorce order.)*

Section A

Support Application - if you do not have a support order now	√ if Yes	Use Form(s)	Office use only
I am applying for a support order		A and B	
I am asking for support for (<i>how many</i>) children under age 18 (_____)		E	
I am asking for support for 1 or more children over age 18, or - the other parent and I have split custody of a child, or - the other parent and I have shared custody of a child, or - I am asking for a different amount than in the Child Support Guidelines tables, or - I believe the respondent makes more than \$150,000 per year		L G	
I am asking for additional child support to cover special expenses		H	
I am asking that the respondent (the other person) be declared a parent of a child or children		C	
I believe the respondent may say he/she is not the parent of a child or children		D	
I want the Court to make an order even if the respondent does not come to Court or give financial information (recommended)		F	
I am asking for support for myself		J	
If my choice includes any of Forms G, H, or J		K	

Section B

Support Variation Application – if you <i>receive</i> support	√ if Yes	Use Form(s)	Office use only
I am applying to change a support order I have now		A, B, M	
I want to change the amount of child support		E, F	
I want child support for (_____) (<i>how many</i>) children over age 18		G and L	
I am asking that the amount of support change. - The respondent and I have split, or shared, custody, or - the Child Support Guidelines table amount would cause hardship, or - I believe the respondent makes more than \$150,000 per year		G	
I want to change, or add, an amount for special expenses		H	
I want to change the amount of support for myself		J and F	
If my choice includes any of Forms G, H, or J		K	

Section C

Support Variation Application – if you <i>pay</i> support	√ if Yes	Use Form(s)	Office use only
I am applying to change or cancel a support order I have now		A, B, K M	
I want the Court to make an order even if the respondent does not come to Court, or give financial information (recommended)		F	
I want to change, or end, support for a child age 18 or older		I	
I am asking that the amount of support change. - The respondent and I have split or shared, custody, or - the Child Support Guidelines table amount would cause hardship.		I	

The content of this ISO Guide is for general information only. It is not legal advice. You may wish to talk to a lawyer for assistance in making your application, or responding to one. (Apr/03) Page 3

You have now identified which forms you need to make your application to a Court in a “reciprocating jurisdiction”. Each of the forms has a matching ISO Guide that will help you fill in the forms.

There are three ways to get the forms and guides:

1. Go to the Interjurisdictional Support Orders website at www.gov.pe.ca/iso/ and print the forms and guides you need.
2. Contact the Child Support Guidelines Offices located at the Sir Louis Henry Davis Law Courts, 42 Water Street, Charlottetown, P.E.I., or the Summerside Law Courts, 108 Central Street, Summerside, P.E.I..
3. Contact the Community Legal Information Association located on the first Floor, Sullivan Building, 16 Fitzroy Street, Charlottetown, P.E.I..