

## Support Application / Support Variation Application

This is the first of a series of forms and ISO Guides for your application for a reciprocal support order. Form 1 is the first part of your application. It tells the court what you are asking for and who you are. It gives a brief summary of any court action involving support, and a history of your relationship with the respondent. It is a place for you to list all the other forms you are including. Finally, it is the document that is sworn (or affirmed) – it is your evidence, under oath, to the reciprocating jurisdiction that will make an order. The reciprocating jurisdiction is the place where the other person lives.

You will not fill out Form 1 all at once. Choices you make on Form 1 will send you to other forms and Guides. As you finish one form you can come back and complete a section of Form 1. Use the Worksheet section at the end of this ISO Guide to make a note of any documents you need to get, or work to be done.

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### Filling out Form 1

On Form 1, and all the other forms, make sure you have a 'working' copy, and a 'good' copy. Put the 'good' copy aside to use later.

1. The first step is deciding what kind of application this is. If it's a 'first' application – where there has never been a court order about support – you check off the 'Support Application' box. If you have an order, and you want to change the support part, check off the 'Support Variation Application' box.

You are the claimant (if you do not have a support order) or the applicant (if you want to change, or vary, an existing support order). The other person is the respondent.

2. You are the person applying for an order. Fill in the first large block of information with your name, and your addresses, telephone number, and fax number (if you have one). If you are not comfortable with the respondent knowing your home address, you can choose to use another address to receive documents. Check off **one** of the three boxes at the bottom of the block to indicate

whether you have given your own address or the address of your lawyer or some other person. The respondent *will* get a copy of your application, and it will be in a court file.

3. Fill in the information about the respondent. The respondent is the 'other person'. You must have an address for the respondent, and it must be in a "reciprocating jurisdiction". Without an address, you run the risk of having your application package rejected by the other jurisdiction. For a list of places that have reciprocal arrangements with New Brunswick, please see the ISO Guide "Choosing Which Forms to Use."
4. Under the two big blocks of information there is a little statement about social assistance. Please read it carefully. If you are receiving social assistance, or the respondent is or may be, or has in the past, check off the box that applies. When a person receives social assistance the right to apply for or change a support order may be "assigned" to the government.

### Your claim

The top of the second page of Form 1 is the claim. It's a very brief way of telling the court, and the respondent, what you are asking for. For each claim you will fill out at least one other form. Look at the ISO Introduction and General Information Guide that came with this package. It will tell you which forms you need for each type of claim. You should fill out the other forms before filling in the claim part. After you fill out a form you will come back to Form 1 with the information you need for your claim. Each of the forms has its own ISO Guide. If your claim is:

### For SUPPORT

Use this part if you *do not* have a support order now.

### For SUPPORT VARIATION

Use this part if you *have* a support order or written agreement now, and you want to change it.

### Legal Authority on which my application is based

After you read the two choices, you may say: "How am I supposed to know which law to ask for?" And that's a very good question. For two places to agree to recognize and honour each other's laws (reciprocate), they must first have family support laws that are similar. But there can be differences that are important to you. For that reason, you can ask the court to look at your law too. Some examples will help:

**Examples:**

1. *In New Brunswick the 'age of majority' for a child is 19. In about half of the other provinces and territories, it's age 18. A claimant from New Brunswick with an 18-year-old will want to apply for support using the child support guidelines – which apply until a child is the 'age of majority'. If the respondent (the other person) lives in a province where the 'age of majority' is 18, the claimant will check the first box, and ask the court to look at New Brunswick's law about 'age of majority'.*
2. *The Canadian provinces and territories have different laws about who is a 'parent' of a child. Sometimes there are time limits to apply for support if the other person is not a biological (or natural) parent, or if the parents did not live together for a certain period of time, or if there is also a biological parent involved. When it comes to child support, the court will look at the law that is best for the child. If you do not know the laws of New Brunswick and the reciprocating state, you may want to talk to a lawyer. Or, you can check the first box. The New Brunswick court will add a copy of the NB law when it sends the documents to the reciprocating jurisdiction.*
3. *If the respondent is in a foreign country you know the child support guidelines will not apply, and the laws about support are more likely to be different. The 'age of majority' may be different, or not apply at all. It may also be more difficult to get a copy of that country's laws. The court in the foreign reciprocating jurisdiction does not have to follow the New Brunswick law, even if you check the first box, but will have it and know what a New Brunswick court would have looked at. The New Brunswick court will add a copy of the New Brunswick laws when it sends the documents to the foreign reciprocating jurisdiction, if you check the first box.*

4. *If you are applying for support for yourself, or are asking to change an existing support order, the laws are complex. Who gets support, how long it lasts, the 'tests' the court looks at when it makes or changes a non-child support order – these are different in all reciprocating jurisdictions. Again, if you check the first box, the court will take a look at the New Brunswick law, but is not required to follow it.*

This ISO Guide cannot give you legal advice. In the end, the court in the reciprocating jurisdiction will make an order using its own laws. For child support, it will look at the best interests of the child. For a straightforward child support or variation application in Canada, the laws are much the same across the country.

If your application is to a foreign country, or involves an older child, or is for support (or variation of support) for a non-child (also called 'spousal' support), it may be wise to let the court know what the laws of New Brunswick are.

**Case History: Previous Court Orders or Agreements**

Remember that Form 1 is a summary. The court can look at the form and see who you and the respondent are, and what you are asking for. In this section you are telling the court about any court action or agreements about support. If you and the respondent have any orders or agreements that deal with a declaration of parentage, or support, this is where you let the court know.

Read through the list first. More than one of the choices may apply to you. If you have never had an order or agreement, check the first box. The second box is about court orders (including adoption orders). The third box is about written agreements. If you have an order or agreement, you must attach a certified copy. The last three boxes are about divorce action. Pick the one that applies to you. Remember that if you already have an order dealing with support that was made under the *Divorce Act*, you cannot use these forms.

<p><b>About certified copies</b> The court that makes an order has the original order,</p>
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signed by the judge, on its file. A certified copy is a copy made by the court from the original order. It has a stamp on it saying it is certified by the court. The stamp has an original signature from a court official.

If a written agreement is registered with a court, the court can make a certified copy of the agreement. Like the order, it will be stamped as certified by the court, and the stamp will have an original signature of a court official.

If you have a copy that your lawyer sent you, it is probably **not** certified. You can get a certified copy from the court which made your order, or where the written agreement was registered. Tell the court you need the certified copy for "reciprocal registration".

### Family History

This section gives a short history of your relationship with the respondent, and about any children. Read through the list first. More than one of the choices may apply to you. Check any of the choices that apply to your family with the respondent. Fill in any dates.

### Documents Attached

When you have finished the other forms you need, come back to Form 1 and fill out this section. You can use it as a checklist when you put your package of documents together. Check off any forms you are including. In the 'Other Documents Attached' section, check off the first box (Legal or Statutory Authority for application) **if** you checked off the first box under Legal Authority on the second page. The New Brunswick court will add a copy of the New Brunswick laws for you. Make sure you have a certified copy of any support orders or written agreements, and check off the second box.

Some reciprocating jurisdictions (mostly those in foreign countries) have special forms they need.

If you have filled out any of those forms, check off the third box.

On the last page list any other documents. Most will be with a specific form, and you don't have to list them here. This is for any other type of document you want the court to see.

### Completing Your Application

Congratulations! You have filled in a set of forms to make an application to the court in the reciprocating jurisdiction. You have taken time, and a lot of work, to gather information and put it all together. You have been using your 'working' copy of each of the forms. Now it's time to make a 'good' copy.

#### **Note: Do NOT sign your 'good' copy of Form 1!**

This is the part of the application which must be sworn or affirmed. Read the part of the ISO Introduction and General Information Guide called 'Swearing / Affirming your application'.

When you make your 'good' copy, it is important to be neat and legible. You can do a hand-written application (use ink). Take your time. This is the application that the court, and the respondent, will see. If you have access to the Internet, all the forms are available on-line at the New Brunswick government website at: <https://www.web11.snb.ca/snb7001/e/1000/1001e.asp>

You can type in your information and print the forms yourself, if you wish.

Check to make sure you have all the documents and forms you need. Are you ready? Go back to the ISO Introduction and General Information Guide for details about swearing/affirming your application, making copies, where to send your application, and to see what happens next.

### Worksheet

Document / To Do	Done