

**Request for Support Order
(If Respondent does not provide financial information)**

Your application will be sent from the New Brunswick Registrar's Office to the "reciprocating jurisdiction" (the place where the respondent lives). When it gets there, it will be sent to a court. The respondent will be notified of your application, and will receive a copy. A court date will be set, and the respondent will have to fill in a set of forms, and go to court. Then the court can look at all the evidence, and make an order.

What happens if the respondent doesn't go to court, or doesn't file the papers and documents? This does happen sometimes. That's why there is Form 6. If the respondent does not go to court, or does not give the court the financial information it asks for, the court can make an order based on what **you** know about the respondent's finances.

To fill out Form 6 you may need information from other forms, depending on what your claim is. You may also have some work to do if you do not know the respondent's sources of income.

Form 6 is not required, but it is probably best for you to fill it out. If the respondent does not go to court, or does not give the court financial information, Form 6 is your formal request to the court to make an order. Without this request and information, the court may not be able to make an order.

Let's go through Form 6. Use your working copy, and make sure you have a 'good' copy set aside. Use the Worksheet section at the end of this ISO Guide to write down information you need to get.

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Your Claim

Check off the box at the top left of the form. This is your claim. There is a line for a dollar amount – you'll fill that in later.

What's "impute"?

"Impute" is a legal term. The dictionary meaning is "ascribe" or "attribute". It could also be called an "informed estimate". It means that if you (and the court) don't know the respondent's income, the "imputed" income is based on the past and on other information.

Income can also be imputed if the respondent is unemployed or under-employed and the court feels that he or she should be able to earn more income.

The order you are asking for

There are three little check boxes. You will fill out one or more of them, depending on your claim.

- Support for yourself. If you are asking for support for yourself you must attach Form 10, and Form 11. If you have not filled out those forms, add them to your Worksheet list. Those forms will give you the amount to write in.
- Child support of \$_____. You can fill in an amount if you are asking for an amount that is *not* in a child support guidelines table. If you do, you must complete Form 7 (if you are the person receiving child support) or Form 9 (if you are the person paying child support). Or, you can leave the \$ line blank, and the court will use the child support guidelines table amount. If you have not used Form 7, or Form 9, do not put an amount on the line.
- Respondent's share of expenses. If you check this box, you will need to fill out Form 8. Add it to your Worksheet list. The chart below the check box is a summary of the information from Form 8. Add up all the Form 8 expenses for each child. Write the name of the child, and the type of expenses for that child. Write the amount of *your* cost (subtract any tax refund for the expense, or part paid by another person, or part you get back from insurance, etc.). Write in the amount of that expense you want the respondent to pay.

Information about the Respondent's sources of income

The rest of Form 6 deals with what you know about the respondent's sources of income. This information may be used by the court to "impute" income if the respondent does not go to court, or does not give the court the financial details it needs or if the court feels the respondent should be earning more income than he or she claims to be making.

There are five sections. You will not fill out all of them. Read through this ISO Guide and decide which apply to you.

1. You believe the respondent's annual income is about \$_____

You need to have a reason for this belief. You will fill this amount in when you have completed Form 6.

2. Last known source of income

What do you know about the respondent's sources of income? Here's an example:

Surinder and his 2 children live in New Brunswick. Anna and Surinder separated 4 months ago, and Anna moved to another province. Surinder is now applying for child support. He knows that Anna worked as a nurse in New Brunswick, and what her salary was. During a telephone call a month ago she told him that she wasn't working, but was expecting to start a new nursing job in two weeks.

In this section, Surinder would check off "employment", and in the box he would write in where Anna worked, and her occupation. Because they separated recently, he could also add how much she made each year. He would also write in something like "The respondent told me, during a telephone call on (date) that she expected to start a new nursing job on (date)".

In this example, the claimant (Surinder) had lots of information. If there has not been much contact between the parents, there may not be this much. Remember, this is information about the respondent's **last known** source of income. That is the last source that was known *to you*. Don't guess.

3. Most recent information about income

If you have any documents that show the respondent's source of income, use this section. You may have old documents at home – T4 slips, tax returns, investment statements. Remember that this is about *income sources*, not expenses.

Sections 4 and 5 look similar, but there is one important difference. Use section 4 if you know the kind of work the respondent has done in the past. Use section 5 if you have no information of the respondent's past work history or occupation. You will use section 4 or 5 if you have no idea what the respondent's sources of income are now.

Examples:

Under section 2, the case of Surinder and Anna was discussed. Surinder has information about Anna's most recent employment, and knowledge of the kind of job she has in her new province. He would fill out section 4.

In another case, Marie and Angelo separated many years ago. When they were together, Angelo did not work regularly, had 'odd jobs' as a labourer, bike courier, kitchen helper, and farm worker. He had no 'usual' occupation. What little information she has is 10 years old. Marie would use section 5.

4. No information about current income

Use this section if you know the kind of work the respondent has done in the past. Check the first box, and write in the occupation and dates the respondent did that work.

For the second check box, you have some homework to do. Write it down on your worksheet at the end of this ISO Guide. Let's say Surinder goes to the public library, or on the internet, and finds that a nurse with Anna's training and experience makes '\$X' per year in her new province. He could print or copy that information, and attach it to Form F. He would fill in the blanks under this section.

Third check box. Does this apply to you? Example: *Pat knows that Helen owns a condo that she inherited from her grandmother. Helen rents it out to a cousin for \$100 a month. This is far below the normal rental. If it was rented at 'market value', Helen would have more income and would be able to pay more support for their child. Other kinds of assets include interest-free loans, or property put in another person's name.*

Fourth check box. You can go to the website of the federal government's Human Resources Development agency. There you can find information about occupational profiles – a wide range of jobs, and their pay. You need to know the kind of work the respondent is likely to be doing. This information will help the court to 'impute' income.

Fifth check box. If you have any other documents about the respondent's sources of income, list them, and attach them.

5. No information about income, or occupation

If you know **nothing** about what the respondent's sources of income, or work or occupation, use this section. Earlier, the case of Marie and Angelo was discussed. The information Marie has about Angelo's work is very old, and she's had no contact with him for years. She has no idea what he's doing. If Angelo does not go to court, or doesn't bring financial information, she would still like the court to make an order. Marie will have some homework to do. You will too, if this section applies to you.

First check box. Go to the public library, or on the Internet, and find information about the 'average annual income' for a person living in the reciprocating jurisdiction (the place where the respondent lives). Print or photocopy the information you find. In this section of Form 6, write the source of the information, and the average amount. Attach the printout or photocopy.

If you do not have the Internet at home, you may be able to use the Internet for free at your local public library. There may be a small charge for printing out the information that you find.

Second check box. Statistics Canada has a website showing the average family incomes for communities all across Canada. Most public libraries have Internet connections, or you may be able to get

the information from a community or social services agency. You will need to get a printout, and attach it.

Third check box. If you have any other documents about the respondent's sources of income, list them, and attach them.

Worksheet

When you make your choices on your working copy of Form 6, and collect the information you need, you can go back up to the top of the form. Now you have your "informed estimate" of the respondent's income. Fill in that amount in your claim. This isn't a 'made-up' amount – you need to give the court some facts and documents to show the amount is reasonable. If the respondent does not go to court, or doesn't produce financial information, the court will be able to make an order.

Depending on how much information you have about the respondent's sources of income, you may have many things to do to complete Form 6. Write them down here. As you get the information you need, check off each item. Keep the documents or printouts with your good copy.

Form 6 is part of your evidence. You will sign it as claimant/applicant in the blank provided at the bottom of the form when you swear/affirm Form 1.

Worksheet

Document / Information / To Do	Done
Fill in claim amount, top of first page	
Fill in annual income, paragraph 1	
Fill in claim on Form 1	