

Instructions

Consent Order

Before you Begin:

- You must have a court action in the Court of Queen's Bench to use these forms. If you do not, talk to us about how to start that.
- If you are doing a Variation Order, you will need a copy of the old order that you want to change.
- The Consent Order form is used when you and the other party have agreed on the terms that you want in your order. Fill in the blank clauses have been included for custody, access, child support and spousal support. However, you can add other clauses to suit your agreement.



Tips:

Write the clauses in complete sentences.

| | |
|--------------|---|
| Wrong | Joint custody. Visit on weekends. |
| Right | The applicant and the respondent shall have joint custody of the children. The applicant shall have access to the children on weekends. |

Write the clauses as if it is the judge talking, not as if you are talking.

| | |
|--------------|--|
| Wrong | I will cover the kids with my dental plan. |
| Right | The applicant will provide dental insurance for the children through her employment. |

If you are not sure how to write your Order, look at your old court orders, or talk to a lawyer.

You may have to re-type the Consent Order form to suit your agreement.

Fill in the Consent Order

- Your court file number will be the same as your other Queen's Bench court documents.
- Fill in the names of the parties, the same as on your other Queen's Bench court documents.
- Fill in the clauses in a way that shows your agreement.

Have the Consent Order signed and witnessed

- Each of you must sign the Order in front of a witness. You can use the same witness.
- The witness or witnesses must complete and sign the Affidavit of Execution before a Commissioner for Oaths.

Fill in the Ex Parte Form

- Fill in the complete names of the parties and the date that you will be bringing this to court.
- If your court file is in Edmonton, there are special instructions at the end of this document.

Have the Consent Order signed by a Judge:

- If your court file is in Edmonton, there are special instructions at the end of this document.
- Talk to the Queen's Bench clerks or Family Justice Services staff to find out when "Morning Chambers" is held in your court.
- Go to court for Morning Chambers. At the beginning of the morning, before starting the scheduled matters, the judge will ask "Any Ex Parte applications or consent orders?" At that point, you will see people going to the front of the courtroom and speaking to the judge about their applications and orders. Take your turn and go to the front.
- Tell the judge you have a consent order, and hand the Order and the Ex Parte Form to the clerk to give to the judge. Answer any questions the judge may have.
- The judge will hand the signed order back to the clerk who will give it to you.

File the Order

- Make two copies of the signed order.
- Bring the original and the two copies to the Queen's Bench clerk's counter. They will keep the original and give you one certified and one filed copy back. Give the filed copy to the other party.



Tip:

If your order included child or spousal support, send a copy to Maintenance Enforcement.

Director of Maintenance Enforcement
7th floor North, 10365 – 97 Street
Edmonton, Alberta, T5J 3W7

Or Fax: 780-401-7575

Special Instructions for Edmonton

In Edmonton, Consent Orders are usually done as “Desk Orders” rather than in open court. Also, you must fill in a Child Support Data Sheet if the order deals with child support.

Go to the Resolution Services office, and the staff there can give you further information about how to complete your Consent Order.

These instructions have been prepared for you by Resolution Services. Contact us at:

Calgary

7th floor, Calgary Courts Centre
601 - 5 Street SW
Phone 403-297-6981

Grande Prairie

Main Floor, Court House
10260 - 99 St.
Phone: 780-833-4234

Red Deer

Main Floor, Court House
4909 - 48 Ave
Phone: 403-340-7187

Edmonton

8th floor, Brownlee Building
10365 – 97 Street
Phone 780-415-0404

Lethbridge

1st Floor, Court House
320 - 4 St. S
Lethbridge AB T1J 1Z8
Phone: 403-388-3102

Medicine Hat

Court House
460 First Street SE
Medicine Hat, AB T1A 0A8
Phone 403-529-8716

**Outside these centres, call the
Resolution Services Contact Centre at 1-855-738-4747**

Clerk's Stamp

COURT FILE NUMBER _____
(File number, as on other court documents)

COURT Court of Queen's Bench of Alberta

JUDICIAL CENTRE _____
(City or town where court is located)

APPLICANT _____
(Print your full name, as on other court documents)

RESPONDENT _____
(Print the other party's full name, as on other court documents)

DOCUMENT **Consent Order**

ADDRESS FOR SERVICE AND CONTACT INFORMATION OF PARTY FILING THIS DOCUMENT _____
(Applicant's Name)

(Full address)

()

Date on which Order was pronounced: _____

Location of Hearing: _____

Name of Judge who made this Order: _____

THE COURT HAS BEEN ADVISED OF THE FOLLOWING:

THE PARTIES have consented to the terms of this Order;

THE NAME AND BIRTHDATE of each child of the parties is as follows:

| | | |
|----------------------------------|------|---------------|
| _____ | born | _____ |
| <i>(Child's full legal name)</i> | | <i>(Date)</i> |
| _____ | born | _____ |
| _____ | born | _____ |
| _____ | born | _____ |

IT IS HEREBY ORDERED THAT:

1. Custody

The Applicant and the Respondent shall have custody of the child(ren) as follows:

(Set out whether the parties will have joint custody or one party will have sole custody and any other terms relating to custody. Do not discuss parenting time or access here – that goes in the next paragraph)

2. Parenting Time

The _____ shall have parenting time with the child(ren) as follows:

(Applicant or Respondent)

(Set out the days, times and conditions on the parenting time or access that the parent without primary care of the child(ren) will have)

Justice of the Court of Queen's Bench of Alberta

CONSENTED TO:

(Signature of Applicant)

(Signature of Witness to Applicant)

CONSENTED TO:

(Signature of Respondent)

(Signature of Witness to Respondent)

AFFIDAVIT OF EXECUTION

I _____ of _____, Alberta
(Name of Witness for Applicant's signature) *(City / Town)*

SWEAR / AFFIRM AND SAY THAT:

1. I was personally present and did see _____
(Name of Applicant)
named in the within document,
 who is personally known to me to be the person named therein
OR
 who identified himself / herself to me by means of photographic identification
duly sign and execute the same for the purposes named therein
2. The document was executed at _____, Alberta, and I am the
subscribing witness thereto.

Sworn (OR Affirmed) before me

at _____, Alberta
on _____, 20 _____

Commissioner for Oaths in and for Alberta, Justice of
the Peace or Notary Public

Print Name and Expiry / Lawyer / Student-at-Law



(Signature of Witness)

ID Verified _____

AFFIDAVIT OF EXECUTION

I _____ of _____, Alberta
(Name of Witness for Respondent's signature) *(City / Town)*

SWEAR / AFFIRM AND SAY THAT:

1. I was personally present and did see _____
(Name of Respondent)
named in the within document,
 who is personally known to me to be the person named therein
OR
 who identified himself / herself to me by means of photographic identification
duly sign and execute the same for the purposes named therein
2. The document was executed at _____, Alberta, and I am the
subscribing witness thereto.

Sworn (OR Affirmed) before me

at _____, Alberta
on _____, 20 _____

Commissioner for Oaths in and for Alberta, Justice of
the Peace or Notary Public

Print Name and Expiry / Lawyer / Student-at-Law



(Signature of Witness)

ID Verified _____

