



---

## Instructions – Originating Application under the *Extra-provincial Enforcement of Custody Orders Act*

### 1. Gather the documents you will need to prove your case

- You must have a **certified copy** of the Order that you want to register, enforce or change. Contact the court where the Order was made to get a certified copy. You may have to pay a fee.
- If you are asking the court to change the existing Order, think about which documents will help your case. Some of these might be relevant:
  - School report cards,
  - Copies of emails showing attempts to organize access or parenting time with the child,
  - Your work schedule, if parenting time must be scheduled around that,
  - The child's school and extracurricular activity schedule.

### 2. Fill in the Originating Application form

- Fill in your full name and your address. The address must be a location where you are able to receive documents from the Respondent. This is known as your 'address for service'. You should also provide a phone number at which you may be contacted for the purposes of this application.
- Fill in the Respondent's full name and mailing address. If you know the Respondent's phone number, you should include that as well.
- Do not fill in the **Court**, **Court location**, or the **Notice to the Respondent(s) section**. These parts of the application form will be filled in by the court clerk when you file it at the courthouse (or Resolution Services office).
- Check off the orders that you are asking the court to grant, and briefly describe your reasons for making this application, and the evidence you will be presenting to the justice. You will have an opportunity to give more details about your evidence when you complete the Affidavit in support of your application.
- The certified copy of the Order you are asking to register, enforce or vary must be attached to your Originating Application.

### 3. Fill in the Affidavit form

- Note – While it is not mandatory to file an Affidavit in every case, it is recommended that you file an Affidavit when you file your Originating Application in order to prevent delays when your matter goes to court.** Follow the instructions given in the form. Remember:
  - This form outlines the information the justice will likely want to know. The justice may want to ask you other questions as well.
  - You can, if you wish, change the content of the form to set out the information in a way that you think is best.
  - Any documents you want the justice to see must be referred to in the Affidavit and attached as exhibits to the Affidavit.
- Once you have finished filling in the Affidavit form, you must have the Affidavit sworn before a Commissioner for Oaths or a Notary Public. You can go to the Resolution Services office or the Clerk's office to have your Affidavit sworn. Bring photo identification with you.

#### 4. File the completed Originating Application and Affidavit with the Court

- You will have to choose whether to file your application in the Court of Justice or the Court of King's Bench. When making this choice, some things to consider are:
  - If you are applying to register, enforce, or change/vary an out-of-province custody/access (parenting) order, you may choose to file your application in either the Court of Justice or the Court of King's Bench.
  - If your order was granted by a "superior court" in another province of Canada, you may wish to file in the Court of King's Bench in order to keep your matter at the same level of court.
  - If your order was granted by a court outside of Canada you will be encouraged to file in the Court of King's Bench.
  - There is a \$50 fee to file an application under the Extra-provincial Enforcement of Custody Orders Act in both the Court of Justice and the Court of King's Bench.

If you are unsure of which court you should be filing your application with, the court clerk can give you further information when you attend at the courthouse (or Resolution Services office).
- Bring your original and two copies of your Originating Application and Affidavit to the clerk's office at the Court of Justice (or Resolution Services office) or the Court of King's Bench, hand them your completed Originating Application and Affidavit form, and pay the applicable filing fee. You will speak to the clerk about setting a court date.
- You will be given copies of the forms with the court date filled in and stamped indicating the Originating Application and Affidavit have been 'filed' with the court.

#### 5. Serve the Originating Application and Affidavit on the Respondent

- You or another person over the age of 18 must serve the Respondent with a copy of the filed Originating Application and Affidavit (including all documents attached). Service means a person must hand-deliver the documents directly to the Respondent (this is called 'personal service') or send them by recorded (registered) mail. Note that if you serve the documents by recorded mail, you must show that the Respondent has signed the acknowledgment of receipt.

If the Respondent lives outside of Alberta, talk to the Clerk or Resolution Services about your service options.

You must be able to show the justice that the Respondent received their copy of the Originating Application and Affidavit the required number of days before the hearing date. If you do not give the Respondent the required amount of notice then the justice may refuse to hear your application, or it may be rescheduled
- If you are applying to register, enforce or vary your order in the Court of Justice, the Respondent must receive the documents 7 or more days prior to the court date (s. 9.63 *Court of Justice Act*).
- If you are applying to register or enforce your out-of-province custody/access (parenting) order in the Court of King's Bench, the Respondent must receive the documents **10 days or more** before the hearing date (see rule 3.9 of the *Alberta Rules of Court*).
- If you are applying in the Court of King's Bench to change the terms of the order, the Respondent must receive the documents (see rule 12.27(3) of the *Alberta Rules of Court*):
  - **20 days or more** before the hearing date, if the Respondent was served in Alberta,
  - **1 month or more** before the hearing date, if the Respondent was served outside Alberta but within Canada, or
  - **2 months or more** before the hearing date if the Respondent was served outside of Canada.
- When serving the court documents:
  - Think about having someone else serve the documents for you – for example, ask a friend or family member, or hire a process server.
  - Whoever delivers the documents must make a note of the address where they gave the documents to the Respondent.
  - Make sure the person that serves the documents knows that they will have to swear an Affidavit of Service.

## 6. Prepare the Affidavit of Service

- After the Respondent has been served with a copy of the Originating Application and Affidavit, you have to file an Affidavit of Service with the Court. This form proves to the justice that the other party was properly notified of your application. The Affidavit of Service will:
  - Explain who delivered the documents;
  - Say the date the documents were delivered; and
  - Say the address of where the Respondent was served.
- The Affidavit of Service must be completed by the person who served the documents. Just like the Affidavit for your application, the Affidavit of Service must be sworn by a Commissioner for Oaths or Notary Public.
- You must file the original Affidavit of Service at the clerk's office before the court date and bring a copy of it with you to court.

## 7. Going to Court

- On your court date, plan to arrive early. Bring with you:
  - Copy of your Originating Application and Affidavit
  - Copy of your Affidavit of Service
  - Pen and paper
- Make sure you go to the right courtroom – there may be several courtrooms where family matters are heard. The Notice to Respondent section of your Originating Application may contain the courtroom number or you can find your courtroom by asking security staff or checking the docket lists or boards.
- Before you go to court, you may be told you need to meet with a Caseflow Coordinator, who will assist you and the other party by exploring settlement options, reviewing the documents required for the application to go ahead, and informing you of any required processes .

COURT FILE NUMBER \_\_\_\_\_

COURT

- Alberta Court of Justice
- Court of King's Bench of Alberta

COURT LOCATION /

JUDICIAL CENTRE \_\_\_\_\_

Clerk's stamp:

**APPLICANT(S)**

Address for service and contact information for the Applicant(s)


**RESPONDENT(S)**

Last known address and contact information for the Respondent(s)


DOCUMENT

## Originating Application – Extra-provincial Enforcement of Custody Orders Act

**NOTICE TO THE RESPONDENT(S):**

This application is made against you. You are a Respondent. You have the right to state your side of this matter before the Court. To do so, you must be in Court when the application is heard as shown below:

Court Date: \_\_\_\_\_

Time: \_\_\_\_\_

Where: \_\_\_\_\_

When: \_\_\_\_\_

*(Courtroom (if known), Street address of court location)*

Before Whom: \_\_\_\_\_

Go to the end of this document to see what you must do and when you must do it.

**1. I ask the Court to grant the following order(s):** *(Choose all that apply)*

- Registration of a custody or access (parenting) order made by a Court outside of Alberta.
- Enforcement of a custody or access (parenting) order made by a Court outside of Alberta.
- Changes to a custody or access (parenting) order made by a Court outside of Alberta.
- Other: (specify)

\_\_\_\_\_

\_\_\_\_\_

**2. Children involved in this application:** *(List full name and birthdate (yyyy/mm/dd) of each child)*

(a) \_\_\_\_\_ / / ; (d) \_\_\_\_\_ / / ;  
(b) \_\_\_\_\_ / / ; (e) \_\_\_\_\_ / / ;  
(c) \_\_\_\_\_ / / ; (f) \_\_\_\_\_ / / ;

**3. I am relying on the following reasons for making this application:** *(Choose all that apply)*

I am relying on s. 2(1) of the Extra-Provincial Enforcement of Custody Orders Act to ask the court to register and, if necessary, make an order to enforce a custody or access Order I received from a court outside of Alberta.

I am relying on the reasons set out in my Affidavit sworn/affirmed on \_\_\_\_\_ *(Date)* for making this application

Other: *(specify)*  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**4. Affidavit or other evidence to be used in support of this application:** *(Choose all that apply)*

I have filed an Affidavit in support of this application, sworn / affirmed on \_\_\_\_\_ *(Date)*

I have chosen not to file an Affidavit in support of this application.

I intend to rely on the following other evidence, copies of which are served with this originating application:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**5. Applicable Acts and Regulations:** *(Choose all that apply)*

*Extra-provincial Enforcement of Custody Orders Act.*

Rule 12.27 of the *Alberta Rules of Court* (Applications under the *Extra-provincial Enforcement of Custody Orders Act*).

Rule 13.5 of the *Alberta Rules of Court* (Variation of Time).

Other: *(Specify)*  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**WARNING**

You are named as a respondent because you have made or are expected to make an adverse claim in respect of this originating application. If you do not come to Court either in person or by your lawyer, the Court may make an order declaring you and all persons claiming under you to be barred from taking any further proceedings against the applicant(s) and against all persons claiming under the applicant(s). You will be bound by any order the Court makes, or another order might be given or other proceedings taken which the applicant(s) is/are entitled to make without any further notice to you.

If you want to take part in the application, you or your lawyer must attend in Court on the date and at the time shown at the beginning of this form. If you intend to rely on an affidavit or other evidence when the originating application is heard or considered, you must reply by giving reasonable notice of that material to the applicant(s).

COURT FILE NUMBER \_\_\_\_\_

COURT

Alberta Court of Justice

Court of King's Bench of Alberta

COURT LOCATION /  
JUDICIAL CENTRE

\_\_\_\_\_

Clerk's stamp:

APPLICANT(S)

\_\_\_\_\_

RESPONDENT(S)

\_\_\_\_\_

ADDRESS FOR  
SERVICE AND  
CONTACT  
INFORMATION OF  
PARTY FILING THIS  
DOCUMENT

\_\_\_\_\_

DOCUMENT

## **Affidavit – Extra-provincial Enforcement of Custody Orders Act**

AFFIDAVIT OF:

\_\_\_\_\_  
*(Name of person swearing / affirming this affidavit)*

DATE SWORN:

\_\_\_\_\_  
*(Date this affidavit is sworn)*

I, \_\_\_\_\_, of \_\_\_\_\_, Alberta,  
*(Your name) (Name of City / Town)*

### **SWEAR / AFFIRM AND SAY THAT:**

1. I have personal knowledge of the following information, except where I say that what is stated is based on information from another person, in which case, I believe that information to be true.
2. I have an Order for custody, access, parenting or contact from another province or country, which was granted on \_\_\_\_\_ by the \_\_\_\_\_.

A certified copy of the Order is attached to my Originating Application.

3. The following chart gives basic information about the children in this case:  
*(List all children involved in this case)*

Child's full legal name	Age	Birthdate <small><i>(dd / mm / yyyy)</i></small>

4. At the time the above Order was made, the children had a connection with the province or country where the order was made because: *(Describe how long the children were living in that province or country, where they were attending school, etc.)*

---

---

---

---

5. At this time, the children have a connection with Alberta because: *(Describe how long the children have been living in Alberta, where they are attending school, etc.)*

---

---

---

---

6. The parenting arrangements for the children at this time are as follows:  
*(Give details of the arrangements that currently apply to the children. Specify dates and times)*

Child's name	Parenting (Custody/Access) Arrangement

7. I am asking the Alberta Court to:

- Register the custody/access or parenting order made by a Court outside of Alberta.  
*(If you are only asking for the Court to register your Order, you can skip to paragraph 13 below)*
- Enforce the custody/access or parenting order made by a Court outside of Alberta.  
*(If you are only asking the Court to enforce your Order, then you can skip to paragraph 11 below)*
- Change the custody/access or parenting order made by a Court outside of Alberta.
- Other: *(describe)*

---

---

---

---

---









COURT FILE NUMBER \_\_\_\_\_

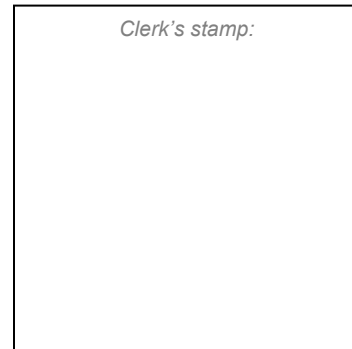
COURT

- Alberta Court of Justice
- Court of King's Bench of Alberta

COURT LOCATION / JUDICIAL CENTRE

\_\_\_\_\_

Clerk's stamp:



APPLICANT(S)

\_\_\_\_\_

RESPONDENT(S)

\_\_\_\_\_

ADDRESS FOR SERVICE AND CONTACT INFORMATION OF PARTY FILING THIS DOCUMENT

\_\_\_\_\_

DOCUMENT

## Affidavit of Service Extra-provincial Enforcement of Custody Orders Act

AFFIDAVIT OF:

\_\_\_\_\_  
(Name of person swearing / affirming this affidavit)

DATE SWORN:

\_\_\_\_\_  
(Date this affidavit is sworn)

I, \_\_\_\_\_, of \_\_\_\_\_, Alberta,  
(Your name) (Name of City / Town)

### SWEAR / AFFIRM AND SAY THAT:

1. I have personal knowledge of the following information, except where I say that what is stated is based on information from another person, in which case, I believe that information to be true.
2. I am 18 years of age or older.
3. On \_\_\_\_\_, I served the Respondent,  
(Date)

\_\_\_\_\_  
(Respondent's full name)

with a copy of the following documents:

- Originating Application, filed \_\_\_\_\_ .  
(Date)
- Affidavit of \_\_\_\_\_, filed \_\_\_\_\_ .  
(Name of person swearing / affirming affidavit) (Date filed)
- Other: \_\_\_\_\_, filed \_\_\_\_\_ .  
(describe) (Date filed)

4. I served the document(s) listed above:

by personal service, that is, I left the documents with the Respondent at

\_\_\_\_\_

*(Complete address where you served the Respondent)*

by causing the documents to be sent by recorded mail to the Respondent at:

\_\_\_\_\_

*(Complete address where you served the Respondent)*

Service was effected on \_\_\_\_\_ as is evidenced by the  
*(Date)*

acknowledgement of receipt card, signed by the respondent, attached as Exhibit 'A' to my affidavit.

in compliance with the court order attached as Exhibit 'A', allowing an alternate method of service by:

\_\_\_\_\_

**Sworn (OR Affirmed) before me**

on \_\_\_\_\_, 20\_\_\_\_

at \_\_\_\_\_, Alberta.



\_\_\_\_\_  
*(Signature of person swearing / affirming Affidavit)*

\_\_\_\_\_  
*Commissioner for Oaths  
In and for the Province of Alberta*

ID Verified \_\_\_\_\_