

Child and/or Spousal Variation Application under  
the *Divorce Act* with Respondent in another Province  
or Territory

# Court of King's Bench

Application to  
Change Child and/or Spousal Support  
under the *Divorce Act* where the other party  
lives in another Province or Territory



## Resolution Services





# Resolution Services



## Court Procedure Booklet

**APPLICATION TO CHANGE CHILD  
OR SPOUSAL SUPPORT  
*WHEN RESPONDENT LIVES IN  
ANOTHER  
PROVINCE/TERRITORY***

***Form FL-19***

# **APPLICATION TO CHANGE CHILD OR SPOUSAL SUPPORT (when Respondent lives in another Province/Territory)**

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***Resolution Services and Court Staff cannot give you legal advice, or predict the  
outcome of your case.***

***This booklet provides general information only. You should speak to a lawyer for  
legal advice about your own situation***

# **APPLICATION TO CHANGE CHILD OR SPOUSAL SUPPORT (when Respondent lives in another Province/Territory)**

## **INTRODUCTION**

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

### **Calgary**

7<sup>th</sup> floor, Calgary Courts Centre  
601 - 5 Street SW  
Phone 403-467-4730

### **Edmonton**

8<sup>th</sup> floor, Brownlee Building  
10365 - 97 Street  
Phone 780-415-0404

### **Grande Prairie**

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

### **Lethbridge**

1<sup>st</sup> Floor, Court House  
320 - 4 St. S  
Phone: 403-388-3102

### **Red Deer**

Main Floor, Court House  
4909 - 48 Ave  
Phone: 403-340-7181

### **Medicine Hat**

Court House  
460 First Street SE  
Phone 403-529-8716

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

## Is this the correct application for you?

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This form is to be used to change an Order made on a Canadian divorce file when the other party lives in another province or territory in Canada. It does not matter if the divorce Order is from Alberta or elsewhere in Canada

If the Order that you want to change was not made on a divorce file, or if the Order was made outside Canada, or if the other party is not in Canada - then this is not the proper procedure for you.

You must be FORMER SPOUSES – you must be divorced, which means that a Divorce Judgment has been granted.

You also must be VARYING your child or spousal support order. You cannot be asking for support for the first time. If you are unsure if you have an order for support, please contact Resolution Services.



### **Tip:**

If you have a *Divorce Act* Order says that the payor is to pay zero dollars per month in support, then that IS an Order for support and it can be varied using this application.

Once it is determined because you ARE a former spouse AND you wish to VARY a child or spousal support Order on a Canadian Divorce File AND the other party lives in another province or territory, **you have 3 options:**

- (1)** You start a variation application where the other party lives using their Court forms. You may need a lawyer in that area to help you.
- (2)** You use the *Interjurisdictional Support/Divorce Act Forms* – Form A.4 and supporting forms. If you chose this process, you can ask for the other province/territory to hear the matter or you can ask for their Recalculation Program (if they have one) to make a decision. The link to those forms is [www.alberta.ca/interjurisdictional-support-order-forms.aspx](http://www.alberta.ca/interjurisdictional-support-order-forms.aspx).
- (3)** You can file an application in Alberta using this FL-19 Form. Follow the instructions in this booklet.

## Should you hire a lawyer?

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The staff at the court house cannot give you legal advice and cannot do your work for you.

Lawyers can help with steps along the way. They can:

- Tell you about your legal rights and obligations;
- Give you an opinion about what your chances are, or how the judge might decide;
- Tell you which option is the better choice for you;
- Complete the court forms and other necessary paperwork;
- Do legal research to find case law to help convince the judge;
- Tell you which court documents would be helpful to your case;
- Help you decide which facts the judge will want to hear;
- Negotiate with the other side;
- Rehearse the court hearing with you;
- Represent you in meetings or in court;
- Go to court for you if you can't go yourself;
- Prepare the Order after court;
- Prepare any letters needed as your matter goes through court; and/or
- Prepare any follow up documents.



### **Tip:**

Many lawyers are willing to give “unbundled legal services.” This means that you can choose which steps the lawyer will do and which steps you will do yourself. If you are interested in this, talk to a lawyer about how unbundled legal services can work in your case.

In **Calgary and Edmonton**, Duty Counsel is normally available at court. The Duty Counsel program is funded by Legal Aid. The Duty Counsel Lawyers (or students) will speak with you on the day you are in court, and will help you present your case to the judge. If both parties do not have a lawyer, Duty Counsel will present both sides to the judge.

You should hire a lawyer if:

- You don't want to or can't do the paperwork yourself;
- You don't want to or can't make several trips to the courthouse during business hours;
- You will have problems speaking for yourself in the court hearing; or
- The judge recommends to you that you hire a lawyer.

## Getting Help

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It is always a good idea to get legal advice before you start.

**Legal Aid 310-0000**, then ask for the Legal Aid office near you.

If you are a low income Albertan, and need a lawyer to take your case, you can apply for help from Legal Aid.

### **Pro Bono (Volunteer) services by lawyers**

Calgary Legal Guidance	403-234-9266
Lethbridge Legal Guidance	403-380-6338
Grande Prairie Legal Guidance	780-882-0036
Central Alberta Community Legal Clinic (Red Deer)	403-314-9129

Check the Pro Bono Law Alberta website [www.pbla.ca](http://www.pbla.ca) to see if there are any other services that can help you.

### **Lawyer Referral Service 1-800-661-1095**

This service will refer you to lawyers in private practice. When you call, ask for a family law lawyer. You will be given the names of 3 lawyers who practice in the area of family law, and in your area. You can speak to any of them for the first ½ hour for free.

There are other services that may be able to help you with legal information (not advice) and the filling in of forms. Some of these are:

- Student Legal Services (Edmonton) 780-492-8244
- Student Legal Assistance (Calgary) 403-220-8637
- Immigration Services in your area
- Paralegal Companies in your area

### **Alberta Law Libraries**

There are libraries located in most courthouses in Alberta. You can go to the library to:

- Do research on cases with facts similar to yours;
- Find sample court forms for other kinds of court applications; or
- Look for specific procedures in the Alberta Rules of Court.

The library has reference librarians who can answer questions and get you started, however, they can not give you legal advice.

## The Court File

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The court keeps a file folder with all of the court documents that have been filed in your case. That folder is labelled with a court file number. You must put the court file number on all of your court forms, so that they can be properly filed.



**Tip:**

If you move, make sure to put your updated address on your court file.

If you need to get copies of any of the documents on your court file, you can ask for them. You will be charged \$10 to pull the file, plus \$1 per page for photocopying. If you want a certified copy of any of the court documents, there will be an extra \$10 fee.

To get copies from your court file, you must go to or contact the court where your file is located. For example, if your court file is in Red Deer, you must make your request for copies of the documents to the courthouse in Red Deer.

Other provinces' courts also keep court files, and will give you copies of court documents if you ask. Their fees may be different. If you are asking for a copy of an Order from another province, always ask for a certified copy.



**Tip:**

A certified copy of a court form has a stamp on it saying that it is a certified (or true) copy of the original. It is signed by a court official under the stamp. To be a certified copy, the copy must have this original stamp and signature.



## Find the Other Party

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In almost every court application, the other party must be given notice of the application. You do this by serving them, which is by handing them copies of the court forms that you have filed.

If you do not know where the other party is, you must try everything you can think of to find them. Some ideas:

- Talk to their friends or family members.
- Talk to the staff where they worked.
- Look them up in the phone book or on [www.canada411.com](http://www.canada411.com).
- If you know their phone number, try a reverse search at the phone company's website.
- Look them up on social networking sites. Even if they do not reply to you, see if you can contact their friends for information.

## Identify any “Order Assignees”

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For this particular court application, you are required to give notice to the Order Assignees in Alberta and in the Respondent's province/territory. If either party has lived in any other provinces, then you may also need to serve the Order Assignee in that province.

An Order Assignee is a government agency that may be owed money if there are child support arrears and the recipient of support has received government assistance.

The end of this booklet there is a list of all of the Order Assignees in Canada, and instructions on how to serve them.



### **Example:**

You are the payor of support. You live in Alberta. The Respondent moved from PEI to Nova Scotia a year ago. The Respondent was on social assistance in PEI. In this case, you would have to serve the Order Assignees in Alberta, PEI, and Nova Scotia.

The chart included in this booklet indicates that you will need to serve Alberta MEP, Nova Scotia Department of Community Services, and PEI Department of Social Development and Housing.

## Getting Ready

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Before you start to prepare your court forms, you should think about what kinds of documents you will need to prove your case. You will have to attach all of the documents to your application form, so you will need to collect them ahead of time.

Be prepared to take several days or weeks to gather up the information that you need, and several hours to fill in your paperwork properly. This is not something you can dash off in a few minutes. If you have properly prepared, you will have a better chance of success. You only have one chance to make your application!



### ***Tips:***

If you wish to file this Form FL-19 in Edmonton or Calgary, you will need to go through **Family Docket Court** process first. You can find at link here [www.albertacourts.ca/qb/areas-of-law/family/family-docket-court](http://www.albertacourts.ca/qb/areas-of-law/family/family-docket-court)

At that hearing date, the Court should confirm that this application is one of your options to change your child or spousal support. Depending on what the Court hears, they may decide for you which of the 3 options is best in your case.

### **Gather up the documents you will need to prove your case:**

- You will need a copy of the order that you want to change. If the order was made outside Alberta, you will need a certified copy of the order. You can get that from the court that granted it. If the Order has been filed in Alberta, you may be able to get a certified copy from the Alberta Court file. A clerk may be able to help with this. (There may be a fee for a certified copy.)
- Gather up your financial documents and fill in your *Disclosure Statement* before you start filling in these forms. See the package “Providing Financial Disclosure” for more information. **You must file complete financial disclosure at the same time as you file your application.**



### ***Tips:***

The documents that you attach to your application are very important. Make sure your paperwork tells the judge everything they need to know to make a decision. Organize it well, make sure it is all legible, and add in written explanations if the documents are not clear.

There may be other documents that you should attach to your court forms. For example:

- If you are the recipient of child support and you wish to change child support:
  - If you are asking for any special or extraordinary expenses for your children, you will need receipts for those expenses, if you have them.
  - If you are claiming support for a child over the age of 18, you will need proof of all sources of a child's income, including RESPs, scholarships, student loans, employment, etc.
  - If you are claiming support for a child over the age of 18 because they are in school, you will need proof that they are registered in an educational institution, including the number of classes and/or hours per week of instruction.
  - If you are asking for a retroactive change in child support, you must include the start date of when you want a retroactive change and also explain why you waited until now to make the application.
- If you are the recipient of spousal support you wish to change spousal support:
  - You must fill in a list of your assets, showing the value of each asset and your debts, showing the amount owing on each debt.
  - You must also fill in a monthly budget
  - If you are unable to support yourself because of medical problems or education, you will need proof of the medical problems or registration at an educational institution.
- If you are the debtor/payor and are asking to change child support or spousal support, you must provide:
  - Income information back to the date when you want the change to start (e.g. this is also known as the retroactive start date – if you want the change to be January 2018 – you need income tax information starting 2018 and explanation of the material change in circumstances).
  - A copy of your Debtor's Statement of Account from the Maintenance Enforcement Program (MEP).
  - A list of your assets, showing the value of each asset, and a list of your debts, showing the amount owing on each debt.
  - If you are claiming undue hardship, you will need proof of the amounts you are spending on the thing that causes you undue hardship, a list of everyone that lives in your household, and income information for any other adult in your household.



**Tips:**

You can print off a copy of your Debtor's Statement of Account from the Maintenance Enforcement website, if you have your account number and your pin. Or you can phone them at 480-422-5555 and ask them to mail it to you.

## Preparing your Court Documents

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For this application you must prepare 3 court forms:

- (1) Form FL-19;
- (2) Affidavit; and
- (3) Disclosure Statement (see the package “Providing Financial Disclosure” for more information).

These forms let the Court know “what” you want, and “why”. The **FL-19 form** is a brief summary for the Court of “what” you want. The Court wants to know, on one or two pages, what kind of an Order you are asking for. The **Affidavit** is your story. The Affidavit and Disclosure Statement are the “why” that supports what it is that you are asking for.

These court forms make up your entire application. If you want the Court to know something, it has to be in these court forms. For example, you can’t ask the Court for something that you haven’t already asked for in your FL-19 form. Also, you can’t say anything to the Court that is not written down or included in your Affidavit or Disclosure Statement.



### ***Tip:***

If you use this process, you may also file a s. 17(1)(b) application for a variation to a parenting order to be heard on the same date as the support variation application, but you must file a separate Affidavit. See the package “Application for Parenting Order under the *Divorce Act*” for more information.

### ***At the beginning of every form***

Fill in the following:

- Court File Number – Your file number as written on your other court documents (You may not have a file number yet)
- The Judicial Centre, e.g. Edmonton
- Both parties’ full names
- Your name, complete address and phone number

**Fill in Form FL-19**

- For general instructions, follow the instructions on the form and in the “Making a Court Application” booklet.

**Fill in the blank Affidavit and the Disclosure Statement**

- Follow the instructions on the form and in the “Making a Court Application” booklet.
- These forms have been prepared with the information that the court is likely to want to see. You can, if you wish, change the content of the form to set out the information in a way that you think is best. If you type up your own Affidavit, it should not be longer than 40 pages including Exhibits. If it is, you need a Fiat (special written permission) from a Justice to file it. You will have to ask how to do that.
- All of the documents that you want the judge to see must be included in either your Affidavit or your Disclosure Statement and attached as exhibits to the Affidavit or your Disclosure Statement
- Number your pages including all your exhibits

Once you have finished filling in your Originating Application and Affidavit, you must have your Affidavit sworn before a Commissioner for Oaths.

You may come to the Resolution Services office or the Clerk’s office to have your Affidavit sworn. Bring photo identification with you when you come.

## **Filing and Serving your Court Documents**

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Once you have had your Affidavit sworn, there are several steps you need to follow to get ready for court.

- ☐ **Step 1:** Make copies of your Originating Application and Affidavit
- ☐ **Step 2:** Print off two copies of the blank FL-19.1 Request to Convert form
- ☐ **Step 3:** Go to the Court of King's Bench Chambers Clerk's office to speak to the clerk about a court date and to file your court documents
- ☐ **Step 4:** Serve your court documents on the Respondent
- ☐ **Step 5:** Serve your court documents on the Order Assignees
- ☐ **Step 6:** Prepare your Affidavits of Service

### ☐ **Step 1- Make copies of your FL-19 Form, Affidavit, and Disclosure Statement**

Remember that you should not make photocopies of your documents until after you have had your Affidavit sworn. After this is done, you should make **2 copies** of all of the documents (including all exhibits and attachments).

### ☐ **Step 2- Print off two copies of the FL-19.1 Request to Convert form**

A blank **unfiled** copy of this form must be served on the Respondent and on any Order Assignee(s).

### ☐ **Step 3 – Go to the Court of King’s Bench Chambers Clerk’s office to speak to the Clerk about a court date and to file your court documents**

Go to the Chamber’s clerk’s office in the Court of King’s Bench and hand them your completed court documents. You will speak to the clerk about setting a court date.



#### ***Tip:***

Each court location has a different name for the counter that files these types of forms. Ask us, or ask one of the court staff where the proper filing counter is.

When you set a court date, you are not just picking a date that is convenient for you. You must provide the other party (the Respondent) with enough notice of the court date or else the judge may refuse to hear your application. The clerk at the Chambers office can help you pick a date but be aware that the Respondent must have **40 days’ notice** of your application.

When you are setting your court date, make sure you allow enough time for service. It may take several days for you to get the documents to the Respondent. Keep this in mind and don’t schedule your court date too soon. For this reason, we suggest picking a court date at least 50 days in advance.

After you have picked a suitable court date, make sure the court date is written on the first page of all copies of your Application.

The clerk will stamp and keep the original copies of your FL-19, Affidavit, and Disclosure Statement. These copies are what you will need for the next step.



#### ***Tip:***

**Counting the days for service:** You do not count the day you serve the document when you are counting the number of days’ notice you are giving. If you must give 10 days’ notice and you can serve on March 1<sup>st</sup>, March 2<sup>nd</sup> is day 1, and March 3<sup>rd</sup> is day 2, so the earliest court date you can pick is March 11<sup>th</sup>.

## ❑ Step 4 – Serve your court documents on the Respondent

A person over the age of 18 must serve the Respondent with copies of all the court documents you have filed (FL-19 Form, Affidavit, and Disclosure Statement) AND a blank FL-19.1 form.

Service means a person must hand-deliver the documents directly to the Respondent (this is called personal service).



### ***Tips:***

You should think about hiring a **process server** to serve the Respondent for you. You can find one by looking under “Process Servers” in the yellow pages or on [www.canada411.ca](http://www.canada411.ca). Process servers can sometimes help you find the Respondent, will serve the court documents, and will complete the Affidavit of Service for you. They do charge a fee for their services.

If you cannot find the Respondent to serve, then check out the tips for finding the other party on page 7 of this booklet.

If you want the judge to hear your application on the court date you’ve selected, then you must be able to show the judge that the Respondent was given **at least 40 days’ notice**. If you do not give the Respondent the required amount of notice then the judge may refuse to hear your application.

When serving the court documents:

- Have someone else serve the documents for you – i.e. ask a friend or family member or hire a process server.
- Have whoever is delivering the documents make a note of the address where the Respondent is when they hand-deliver the documents;
- Make sure the person that serves the documents knows that they will have to swear an Affidavit of Service (see step 6).



## **☐ Step 5 – Serve your court documents on the Order Assignees**

You must serve the Alberta Maintenance Enforcement Program AND the “Order Assignee” in the Respondent’s province/territory with copies of all the court documents you have filed (FL-19 Form, Affidavit, and Disclosure Statement) AND a blank FL-19.1 form. See the chart at the end of this booklet for details of how to serve these agencies.

You must do this because the Alberta Court wants to know if there is money owing to the government in Alberta or other province/territory because you or the other party was on social assistance in Alberta or the other province/territory.

## **☐ Step 6 – Prepare your Affidavits of Service**

After you have served your court documents on the Respondent and the Order Assignees, you have to prepare your Affidavit of Service. This is the court form that proves to the judge that they were properly notified of your application. You will file one Affidavit of Service for the Respondent and one Affidavit for each Order Assignee, so you will have at least 3 Affidavits of Service in most cases.

Just like your Affidavit for your application, your Affidavit of Service must be sworn. Your Affidavit of Service must be completed and sworn by the person who served the documents.

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.

You must be sure to **file** the original Affidavits of Service at the clerk’s office before the court date and bring a copy of it with you to court.



### ***Tip:***

The Affidavit of Service can be commissioned in any other province or territory, but you should use the Alberta Forms provided in this package. The person who served the documents should send the original Affidavit of Service to you so you can file it, and they should also email you a copy of the document in case the original is lost in the mail.

## PREPARING FOR COURT

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Your court application will most likely be heard by a Justice of the Court of King's Bench in Regular Chambers. Regular Chambers is where one judge sits in an open courtroom and hears several court applications on a list. Check your application form to find out what time you must appear in court.

Because there can be many applications on a list for the judge to get through, you want to be sure not to waste any of the Court's time. For this reason, there are some things you should think about before you go to court:

- Make sure you know what you want to say to the Court;
- Make sure that everything you want to say to the Court is in your Affidavit;
- Make sure you have filed your Affidavit of Service and that you bring a filed copy of it with you;
- Try to talk to the Respondent to find out if they will be attending court remotely (via telephone or webex); and
- If you and the Respondent agree that you need more time, phone the Chamber's clerk's office to ask about adjourning your application.

Remember that you have put a lot of work into preparing and filing your court documents, and serving the other party and you want to be as ready as you can on the court date.



### ***Tips:***

The Respondent is allowed to file an Affidavit in response to your application. They must serve you with a copy of their Affidavit a reasonable amount of time before your court date. They will serve you by leaving a filed copy of their response at the address for service that you had written on your court documents.

If you want to respond to anything in their affidavit, you must ask the court for permission to file a supplementary affidavit. Ask us how to do that. You may need to adjourn your application.

The Court of King's Bench can seem quite intimidating. Although the staff and judges try to make the court system as open and friendly as possible, there are still some basic things you should know going in:

- Dress for court in a neat and respectable manner;
- Be on time;
- Do not eat, drink or chew gum/tobacco in the courtroom;
- Remove your hat;
- Turn off cell phones, pagers and music devices;
- Make sure you have copies of all of your filed court documents;
- Make sure to bring a pen and paper to write down the judge's decision, name, room number and the date;
- Speak clearly and loudly when you are in court;
- Stand up when the judge is speaking to you or when you are speaking to the judge;
- Be respectful of the judge and refer to him/her as "My Lord/My Lady"; and
- Be respectful of the other party and do not interrupt them while they are speaking.



***Tips:***

**Regular Chambers** is set up to do quick applications (less than 20 minutes).

When you go to Family Docket Court, you may be directed to **Special Chambers** if the Court thinks that your application will take longer than 20 minutes.

If you are scheduled for Regular Chambers and you think your matter is going to take more than 20 minutes, it should be adjourned to **Special Chambers**. Ask us how to do that.

## GOING TO COURT

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On your court date, plan to arrive early, especially if you want to talk to Duty Counsel (In Edmonton or Calgary only) before court.

Bring copies of all of your filed documents with you, as well as a pen and paper.

Find out which courtroom you are in by asking security staff and checking the docket lists or boards. Make sure you are in the right courtroom – there may be several courtrooms where family matters are heard.

In Edmonton and Calgary, Duty Counsel will normally be outside the courtroom. If you would like their help, speak to them before court.

There will be a list of all of the matters in your courtroom either outside the door or on a table inside the courtroom. The list will not necessarily be called in order. Expect to be in the courtroom for at least 2 hours.

Sit in the gallery area of the courtroom. All conversation in the courtroom is recorded, so it is best to have any discussions outside. Once the judge comes in, you should not talk.

When your name is called, go to the front of the courtroom. The usual order of the speakers is as follows:

- The applicant speaks first. Stand up to speak. If you are the applicant, introduce yourself and the respondent (or their lawyer). Tell the judge briefly what you want (e.g. "I am asking to change my child support order") then talk about the facts that you have set out in your Affidavit and make any arguments you want to make.
- The respondent speaks next.
- The applicant may then respond to what has been said by the respondent.
- The judge may ask questions of either party.
- At this point, both parties will have made all of the arguments they want to make, and should not make any further arguments.
- The judge then gives their decision. You should write down the judge's decision (along with their name and the courtroom number).
- We have staff that will type up the Order for you. You will be told what you need to do to get your copy of the Order.
- Your application may be adjourned to another day or to Special Chambers if the Court needs more evidence, or if more court time is required.

## Possible Outcomes

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There are two possible outcomes of your application:

### (1) Conversion to an Interjurisdiction Support Application

The Respondent is allowed to file a "Request to Convert" (form FL-19.1). If the Respondent does this within 40 days of being served, then the application must be converted to an interjurisdictional support application, and a hearing will be scheduled in the Respondent's province or territory.



#### **Tip:**

There is an important exception to a mandatory conversion by the Courts. That is if you also filed an application for a variation to parenting. In that case, the Alberta Court may decide to hear both the Parenting and Child Support applications in Alberta.

**Example:** You are the recipient of support. You live in Alberta with the children and the Respondent lives in PEI. You would like to change the child support because you believe the Respondent's income has gone up. You would also like to apply for sole decision-making responsibility (formerly sole custody) for the children. Even though the Respondent filed a Request to Convert, the Court in Alberta decides not to convert the application, and both the child support and parenting applications will be heard together in Alberta.

Even if the Respondent does not file a "Request to Convert", the Court may decide that it would be more appropriate for the application to be heard in the Respondent's province or territory. This may happen if the Respondent has not filed any evidence and the Court requires more information from them.



#### **Tip:**

If the Court orders that the matter is to be converted to an interjurisdictional support application to be heard in the Respondent's province or territory, then they will grant a Conversion Order in Form FL-31.1. There will be no further court dates in Alberta. You should be notified of any proceedings in the other province or territory.

The Order Assignee may also file a "Request to Convert", but this will not automatically mean that the application will be converted to an interjurisdictional support application. The Court will decide whether the matter should be heard in Alberta or heard in the other province or territory (see example below).

## **(2) The Application will be heard in Alberta**

If no conversion as set out in (1) takes place, then the application will proceed in Alberta and the Alberta Court of King's Bench will decide your application.

**Example:** You are the payor of support. The Respondent lives in Manitoba. You served the Order Assignees in both Alberta (MEP) and Manitoba (Department of Families, Employment and Income Assistance - EIA). The Respondent was on social assistance in both provinces, and some of the child support arrears have been “assigned” to the Crown in both provinces. At your Court date, you tell the Court that both Manitoba EIA and Alberta MEP will be involved in the application due to the arrears that are owing to the Crown. Manitoba EIA has filed a Request to Convert, but the Court does not convert the application because Alberta MEP is also involved. The Court orders that the application will be heard in Alberta, but Manitoba EIA will be able to participate by Webex Video.

## **After Court**

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If there are no lawyers involved in the application, then the Court will generate and file the Order for you. You should receive a Certified Copy of the Order.

If the Court is not providing the Respondent with a copy of the Order, it is up to you to arrange to have them served them with a copy.

Serve the Respondent with a filed copy of the Order.

Ask us for an Affidavit of Service for the Order. Make 2 copies of the sworn Affidavit of Service.

File the Affidavit of Service with the Clerk's office.

If your Order is registered with the Maintenance Enforcement Program, make sure you mail, deliver or fax a copy to:

The Director of Maintenance Enforcement  
7th Floor, J.E. Brownlee Building,  
10365 - 97 Street  
Edmonton, Alberta T5J 3W7  
Fax: (780) 401-7575

## **Any Questions?**

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If you have questions about the steps in the booklet or the court forms given to you, please contact us. Our addresses and phone numbers are on page 2 of this booklet.

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## APPENDIX

### CONTACT INFORMATION TO ASSIST APPLICANT IN PROVIDING NOTICE TO THE SUPPORT ORDER ASSIGNEE OF FILING AN APPLICATION TO VARY A SUPPORT ORDER, AS REQUIRED UNDER SECTION 18.3(2) OF THE *DIVORCE ACT*

If you ask a court to vary your support order and you or the other party are receiving (or have received) social assistance, you must communicate with the social assistance agency or agencies (noted below) of the provinces or territories where you or the other party live (or have lived) to advise them of the request for variation. The agency (or agencies) has/have the right to participate in the court proceeding as an order assignee. This means you may have to communicate with various social assistance agencies listed below.

Under the *Divorce Act*, the court must consider whether the support order has been assigned, and if so, it must take into consideration whether the order assignee received notice before hearing the case and making a decision under section 18.3(2) of the *Divorce Act*.

Province	Authorizing legislation	Social assistance authorities as order assignees – provide here address for social assistance authority – an address and e-mail address for where support variation application should be served by the applicant
Alberta	<i>Child and Adult Support Services Regulation</i> , under the <i>Income and Employment Supports Act</i> , ss. 28 to 32.	Maintenance Enforcement Program Family Support Order Services (FSOS) 7th Floor John E. Brownlee Building 10365 97 Street Edmonton, Alberta T5J 3W7  Email: <a href="mailto:albertamep@gov.ab.ca">albertamep@gov.ab.ca</a>
British Columbia	n/a	<b>Ministry of Social Development and Poverty Reduction</b>  <b>Income Assistance Services</b> website <a href="#">here</a> . List of Ministry Office locations <a href="#">here</a> . Toll Free: 1-866-866-0800
Manitoba	General authority to collect maintenance owed in section 20(2) of <i>The Manitoba Assistance Act</i> . More specific authority to obtain an	<b>Department of Families, Employment and Income Assistance</b> Director of Assistance by regular mail, courier, fax or email: Maintenance Officer Employment and Income Assistance Department of Families



	assignment under section 64 of <i>The Family Maintenance Act</i> , and under section 20.1 of the <i>Divorce Act</i> .	<p>300 – 114 Garry Street Winnipeg, MB R3C 4V4 Fax: 1(204) 948-4678 Phone: 1 (204) 945-5172 Email: <a href="mailto:provservice@gov.mb.ca">provservice@gov.mb.ca</a></p> <p>Include the following where email is used:</p> <p><b>SUBJECT LINE:</b> Support Variation Documents – Attention: EIA Maintenance Officer  <b>BODY OF EMAIL:</b> Please find attached the following court documents [type of document/s] regarding the matter of [name of party vs. name of party and court file number].</p>
Newfoundland & Labrador	<i>Income and Employment Support Act</i>	<p><b>Department of Children, Seniors and Social Development</b></p> <p>Department's <b>Client Services Officers</b> are located at:</p> <ul style="list-style-type: none"> <li>• Avalon Toll-free: 1-877-729-7888 TTY: 1-877-292-4205</li> <li>• Central Toll-free: 1-888-632-4555 TTY: 1-877-292-4205</li> <li>• Western Toll-free: 1-866-417-4753 TTY: 1-877-292-4205</li> <li>• Labrador Toll-free: 1-866-449-3144 TTY: 1-877-292-4205</li> </ul> <p>Mailing address: Department of Immigration, Skills and Labour</p>

		Document Processing Unit P.O. Box 8790, St. John's, NL A1B 5E4 Fax: 709-729-2641, or <a href="#">local office</a> locations.
New Brunswick	Definition under the <i>Support Enforcement Act</i> : (1) beneficiary means (b) if an assignment has been made under section 11.1 of the <i>Family Income Security Act</i> , the Minister of Social Development to the extent of the assignment.	<b>Minister of Social Development</b>  <b>Social Development Regional Offices:</b> Email: sd-ds@gnb.ca <ul style="list-style-type: none"> <li>• Acadian Peninsula (Region 8) (Regional Sub-Office) 20E St-Pierre Boulevard West, Caraquet</li> <li>• Chaleur (Region 6) (Regional Sub-Office) 275 Main Street, Bathurst</li> <li>• Edmundston (Region 4) (Regional Sub-Office) 121 de l'Église Street, Edmundston</li> <li>• Fredericton (Region 3) (Regional Sub-Office) 460 Two Nations Crossing, Fredericton</li> <li>• Miramichi (Region 7) (Regional Sub-Office) 360 Pleasant Street, Miramichi</li> <li>• Moncton (Region 1) (Regional Sub-Office) 770 Main Street, Moncton</li> <li>• Restigouche (Region 5) (Regional Sub-Office) 157 Water Street, Campbellton</li> <li>• Saint John (Region 2) (Regional Sub-Office) 1 Agar Place, Saint John</li> </ul>
Nova Scotia	<i>Employment Support and Income Assistance Regulations</i> , ss. 35(b) and 69.	<b>Employment Support &amp; Income Assistance, Department of Community Services</b>  Email: <a href="mailto:DCS_AOM@novascotia.ca">DCS_AOM@novascotia.ca</a> Subject line for email: Variation Request – Notice to Potential Order Assignee  For those who do <u>not</u> have access to email, the following may be used: Phone: 1-800-361-8822

		<p>Mailing address: ATTN: PDRU  Department of Community Services  PO Box 696 Station Central  Halifax, NS B3J 2T7</p>
Northwest Territories	<p><i>Maintenance Orders Enforcement Act</i>, S.N.W.T. 1998 c. 17, s.6.4 &amp; 8(2).</p>	<p><b>Department of Education, Culture and Employment</b></p> <p><b>Income Security Programs:</b>  Education, Culture and Employment  P.O Box 1320  Yellowknife, NT X1A 2L9  Telephone (867) 767-9355  Toll Free: (866) 973-7252</p>
Nunavut	<p><i>Social Assistance Act and Child and Family Services Act.</i></p>	<p><b>Department of Children and Family Services</b></p> <p>c/o Family Support Program  PO Box 297  Iqaluit NU X0A 0H0  Telephone: 867-975-6112  Fax: 867-975-6367</p>
Ontario	<p><i>Ontario Works Act, 1997 and Ontario Disability Support Program Act, 1997.</i></p>	<p><b>Ministry of Children, Community and Social Services</b>  <b>Confirmation of Assignment Unit</b></p> <p>This unit confirms the existence of assignments and assignees following the receipt of a completed form. They will provide an address for service for any assignee. The form may be submitted electronically, by fax or by mail. Instructions and information are on the form.</p> <p>The form may be found <a href="#">here</a>. The fax number is: 1-800-772-6836.</p> <p>The address is:  Ministry of Children, Community and Social Services  Confirmation of Assignment  Box 333</p>

		<p>Toronto ON M7A 1E9</p> <p>Where the Ministry is an assignee, the Legal Services Branch may be served by email at: <a href="mailto:MCCSSLegalDocuments@ontario.ca">MCCSSLegalDocuments@ontario.ca</a></p> <p><b>General Contact information for the Ministry:</b>  438 University Avenue  7<sup>th</sup> Floor  Toronto, Ontario  M5G 2K8  Tel: 416-325-5666  Toll-free: 1-888-789-4199</p> <p>-also-</p> <p>Ministry's <b>Social Assistance</b> program (Ontario Works &amp; Ontario Disability Support Program) website <a href="#">here</a>.</p> <p>Find local OW or ODSP offices <a href="#">here</a>.</p>
Prince Edward Island	n/a	<p><b>Department of Social Development and Housing</b></p> <p><b>Social Assistance Program:</b>  Call toll-free in Prince Edward Island: 1-877-569-0546</p> <p>Email: <a href="mailto:DeptSDH@gov.pe.ca">DeptSDH@gov.pe.ca</a>  Mailing address:  Department of Social Development and Housing  2nd Floor, Jones Building  11 Kent Street, PO Box 2000  Charlottetown, PE C1A 7N8  Phone: 902-620-3777  Toll-free: 1-866-594-3777  Fax: 902-368-4740</p>

Quebec	<i>Individual and Family Assistance Act</i> , chapter A-13.1.1, s. 92.	<p><b>Ministère du Travail, de l'Emploi et de la Solidarité sociale (Minister of Employment and Social Solidarity)</b></p> <p><b>Centre spécialisé des pensions alimentaires</b> 8000, boulevard Henri-Bourassa, 2<sup>e</sup> étage Québec (Québec) G1G 4C7 E-mail: <a href="mailto:pal175@servicesquebec.gouv.qc.ca">pal175@servicesquebec.gouv.qc.ca</a>. Fax: 418-643-4990</p> <p><u>Additional information</u> : The <a href="#">Service des pensions alimentaires</a> determines the support payments for which the Minister is subrogated by operation of law in the rights of the creditor for support payments.</p>
Saskatchewan	<i>Saskatchewan Assistance Regulations</i> , 2014.	<p><b>Ministry of Social Services</b></p> <p><b>Social Services Client Service Centre</b> Toll-free: 1-866-221-5200 or TTY 1-866-995-0099 Phone: 306-798-0660 Fax: 306-798-4040 Email: <a href="mailto:income.supportss@gov.sk.ca">income.supportss@gov.sk.ca</a></p> <p>Mailing address: 1920 Broad Street, Regina, Saskatchewan, S4P 3V6</p>
Yukon	<i>The Family Property and Support Act</i> RSY 2002, c.83 s. 34(2)(d)	<p><b>Department of Health and Social Services</b></p> <p>Potential contact in area of “social supports”: Amy Davignon, Manager, Income Support Email: <a href="mailto:Amy.Davignon@yukon.ca">Amy.Davignon@yukon.ca</a></p>

		<p>Phone: 867-667-5699</p> <p>-also-</p> <p><b>Yukon Social Assistance</b> offices phone numbers:</p> <ul style="list-style-type: none"> <li>• Carcross: 867-821-2920</li> <li>• Carmacks and Klondike Highway: 867-863-5800</li> <li>• Dawson City: 867-993-7890</li> <li>• Faro - 867-994-2749</li> <li>• Haines Junction, Destruction Bay, Burwash Landing and Beaver Creek: 867-634-2203</li> <li>• Mayo and Elsa: 867-996-2283</li> <li>• Old Crow: 867-993-7890</li> <li>• Pelly Crossing: 867-863-5800</li> <li>• Ross River: 867-969-3200</li> <li>• Teslin: 867-390-2588</li> <li>• Watson Lake: 867-536-2232</li> <li>• Whitehorse: 867-667-5674</li> </ul> <p><b>Alternate contact:</b>  If you have questions, phone 867-667-8921, toll free in Yukon 1-800-661-0408, extension 8921. Whitehorse office is open Monday through Friday from 8:30 a.m. to 5 p.m.  In person: 4114-4th Avenue (4th floor) in Whitehorse</p>
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This application is made against you. You are a Respondent. You have the right to state your side of this matter before the judge. To do so, you must be in Court when the application is heard as shown below:

COURT DATE: \_\_\_\_\_, \_\_\_\_\_, 20\_\_\_\_

*(Weekday)* *(Month)* *(Day)* *(Year)*

TIME: \_\_\_\_\_  
(Time of Day)

WHERE: \_\_\_\_\_  
(Courtroom (if known), Street address of courthouse)

BEFORE WHOM: **Justice in Family Chambers**

Application – Family Application to Vary Support under the *Divorce Act* where Respondent in Another Province/Territory – February 2021

**1. REMEDY CLAIMED OR SOUGHT** *(Choose all that apply and fill in the blanks as required)*

**Changing Child Support**

- ☐ An order changing child support from today's date forward.
- ☐ An order changing child support from \_\_\_\_\_ *(date in the past)*.  
(retroactive change in support)
- ☐ An order changing child support from \_\_\_\_\_ *(date in the future)*.  
(future change in support)
- ☐ An order cancelling all child support arrears.
- ☐ An order setting the child support arrears at \$ \_\_\_\_\_ *(Amount)*
- ☐ An order that child support to be recalculated based on the *Federal Child Support Guidelines* to reflect changes in the income of the payor.
- ☐ An order that the amount of child support should be different from the *Federal Child Support Guidelines*.
- ☐ An order declaring that the child \_\_\_\_\_ is no longer  
*(Name and date of birth of child)*  
a child of the marriage as of \_\_\_\_\_  
*(Date)*
- ☐ An order declaring that the child \_\_\_\_\_ has  
*(Name and date of birth of child)*  
resumed their status as a child of the marriage as of \_\_\_\_\_  
*(Date)*
- ☐ An order changing the percentage or amount that each parent is required  
to contribute to the following section 7 expenses: *(Check the boxes that apply)*
  - ☐ child care expenses
  - ☐ medical / dental insurance premiums
  - ☐ health related expenses
  - ☐ extraordinary school expenses
  - ☐ post-secondary education expenses
  - ☐ extraordinary expenses for extracurricular activities



- ☐ Other: *(Describe any other changes that you would like to your child support order)*

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**Changing Spousal Support**

- ☐ An order changing spousal support to \$\_\_\_\_\_ *(amount)* from today's date forward.

- ☐ An order changing spousal support to \$\_\_\_\_\_ *(amount)* from \_\_\_\_\_ *(date in the past)* (retroactive change in support).

- ☐ An order changing spousal support to \$\_\_\_\_\_ *(amount)* from \_\_\_\_\_ *(date in the future)* (future change in support).

- ☐ An order terminating spousal support payments effective \_\_\_\_\_ *(date)*.

- ☐ An order cancelling all spousal support arrears.

- ☐ An order setting the spousal support arrears at \$ \_\_\_\_\_ *(Amount)*

- ☐ Other: *(Describe any other changes that you would like to your spousal support order)*

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**Other – Child and/or Spousal Support**

- ☐ An order setting out a payment plan for my arrears so that I am paying \$\_\_\_\_\_ *(amount)* per month towards my arrears, and an order staying the enforcement of my arrears as long as I make this monthly payment.

- ☐ Any other remedies, including costs, that the Court determines to be appropriate.

- ☐ Other Relief: *(Describe)* \_\_\_\_\_

**2. GROUNDS FOR MAKING THIS APPLICATION:**

My grounds for making this application are set out in my Affidavit sworn on

\_\_\_\_\_  
(Date)

**3. MATERIAL OR EVIDENCE TO BE RELIED ON:**

☐ I am relying on my evidence set out in my Affidavit sworn \_\_\_\_\_  
(Date)

☐ I am relying on my Disclosure Statement sworn \_\_\_\_\_  
(Date)

☐ I am relying on the following: (Describe the evidence, other than your Affidavit or Disclosure Statement, that you're relying on)

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

**4. APPLICABLE RULES:**

☐ Rule 12.451 – Varying a child or spousal support order under *Divorce Act when the Respondent lives in another province or territory*

☐ Other: (List any Rule number(s) that apply to your application)

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

**5. APPLICABLE ACTS AND REGULATIONS:**

☐ *Divorce Act (Canada)*, ss. 17(1)(a) and (b), 18

☐ *Federal Child Support Guidelines*

☐ Other (List any other Acts / Regulations that apply to your application)

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

**6. ANY IRREGULARITY COMPLAINED OF OR OBJECTION RELIED ON:**

☐ Not applicable

☐ Specify: \_\_\_\_\_

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

**7. HOW THE APPLICATION IS PROPOSED TO BE HEARD OR CONSIDERED:**

*(In most circumstances, this section will be left blank. But, if you are asking for your application to be heard in a different way (such as videoconference, or teleconference) you must speak with the Clerk about what to write in this space.)*

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**Statement of Applicant**

I, \_\_\_\_\_, the Applicant, certify to the Court that

1. I am aware of the following duties imposed on me by sections 7.1 to 7.5 of the *Divorce Act* (Canada):
  - (a) I will exercise any parenting time, decision-making responsibilities or contact with the child(ren) of the marriage in a manner consistent with the best interests of the child(ren).
  - (b) I will protect the child(ren) of the marriage from conflict arising from these legal proceedings, to the best of my ability.
  - (c) I will try to resolve the matters that may be the subject of an order under the Act through a family dispute resolution process, to the extent that it is appropriate to do so.
  - (d) I will provide complete, accurate and up-to-date information if required to do so under the Act.
  - (e) If I am subject to an order made under the Act, I will comply with the order until it is no longer in effect.
2. At this time (*check one option*)
  - ☐ there is in effect a civil or family restraining order, a protection order under the *Protection Against Family Violence Act*, an order, agreement or measure relating to child protection or an order, undertaking or recognizance in relation to a matter of a criminal nature, or there is a pending proceeding relating to one or more of these matters, involving the parties to this application. (*Attach copies of any court orders made in these matters to the affidavit filed in support of this application.*)
  - ☐ to my knowledge there are no civil or family restraining orders, protection orders under the *Protection Against Family Violence Act*, orders, agreements or measures relating to child protection or orders, undertakings or recognizances in relation to matters of a criminal nature, and no pending proceedings relating to any of these matters, involving the parties to this application.

DATED at \_\_\_\_\_, Alberta, this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Signature of Applicant

## **WARNING**

Because you reside outside the province of Alberta, you have 2 options to respond to this application:

1. If you would like this application to be heard in your jurisdiction (not in Alberta), you must file a Request to Convert, requesting that the Court convert this application to an interjurisdictional proceeding. You must file the Request to Convert (Form FL-19.1) with the Court and serve it on the Applicant within 40 days of the date you were served with this application. If you file a Request to Convert, the Court may, on the court date for this support application, direct that this application be converted to an interjurisdictional proceeding under section 18.1 of the Divorce Act (Canada).
2. If you would like this application to be heard in Alberta and you intend to give evidence in response to the application, you must reply by filing an affidavit or other evidence with the Court and serving a copy of that affidavit or other evidence on the Applicant(s) a reasonable time before the application is to be heard or considered.

If you do not come to Court on the date and at the time shown above, either in person or by your lawyer, the Court may give the Applicant(s) what they want in your absence. You will be bound by any order that the Court makes.

It may be possible for you to appear in Court by telephone or videoconference. Please contact the Court at the appropriate Judicial Centre before the court date to see if these arrangements can be made.

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

COURT Court of King's Bench of Alberta

JUDICIAL CENTRE \_\_\_\_\_  
(City or town where court is located)

PLAINTIFF  
Applicant/Respondent \_\_\_\_\_  
(Print Plaintiff's name and circle if they are applicant or respondent)

DEFENDANT  
Applicant/Respondent \_\_\_\_\_  
(Print Defendant's name and circle if they are applicant or respondent)

DOCUMENT: **Affidavit – Family Application to Vary Support under the *Divorce Act* where Respondent in Another Province/Territory**

SWORN / AFFIRMED BY: \_\_\_\_\_  
(Name of person making this Affidavit)

SWORN / AFFIRMED ON: \_\_\_\_\_  
(Date Affidavit sworn / affirmed)

ADDRESS FOR SERVICE  
AND CONTACT  
INFORMATION OF PARTY  
FILING THIS DOCUMENT \_\_\_\_\_  
(Full name of person making Affidavit)

\_\_\_\_\_  
(Full address including Email Address)

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_  
(Phone number)

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

**SWEAR / AFFIRM AND SAY THAT:**

1. I am the Applicant. I have personal knowledge of the facts set out below, except where I say that they are based on information and belief. In that case, I believe the facts to be true.

## GENERAL INFORMATION

2. I was married to the Respondent on \_\_\_\_\_, we separated on \_\_\_\_\_, and we were divorced on \_\_\_\_\_.

3. The chart below gives basic information about the child(ren) in this case:  
(List all of the children involved in this case. If there are none, cross out this paragraph or write "N/A".)

Child's full legal name	Age	Birthdate (mm /dd/ yyyy)

4. ☐ A copy of the Order I want to change is attached as Exhibit "\_\_\_\_\_". (As this is your first exhibit, fill in the blank with the letter "A". Your next exhibit will be "B", and so on.)

☐ I have not attached a copy of the Order I want to change for the following reasons: (Describe)

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## THE PARTIES' INCOMES

5. My Income: (Choose all that apply)

☐ I plan to file a Disclosure Statement at the same time as I file this Affidavit.

☐ I provide the following additional evidence of my income that was not included in my Disclosure Statement: (Check this box if additional income information is required to support your application. Attach proof of income, such as Notices of Assessment, Complete Income Tax Returns, and paystubs, as exhibits.)

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- ☐ I have not filed a Disclosure Statement for the following reasons:

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I provide the following evidence of my income: *(Complete this section if you have not filed a Disclosure Statement and your income information is required to support your application. Attach proof of income, such as Notices of Assessment, Complete Income Tax Returns, and paystubs, as exhibits.)*

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6. Income of the Respondent: *(Choose one)*

- ☐ I ask the court to set the Respondent's guideline income at \$\_\_\_\_\_ per year for the following reasons: *(Describe why you believe that this is the Respondent's income. If you are attaching any documents, they must be marked as exhibits).*

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- ☐ The Respondent's income is not relevant to my application.

**ARREARS OF CHILD AND/OR SPOUSAL SUPPORT:**

7. *(Choose one)*

- ☐ All child and/or support required to be paid under the court order has been paid in full (ie: there are no child or spousal support arrears).
- ☐ Current arrears of child and/or spousal support are \$\_\_\_\_\_.

8. (Choose one)

- ☐ Attached as Exhibit “\_\_\_\_\_” to my Affidavit is a copy of my Statement of Account from the Maintenance Enforcement Program (MEP) or my Statement of Account from an enforcement agency in another province/territory.
- ☐ I have not attached a copy of a Statement of Account from the Maintenance Enforcement Program for the following reasons: *(Describe)*

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### CHILD SUPPORT:

9. (Choose one)

- ☐ I am the person who is receiving child support under the Court order (recipient).
- ☐ I am the person who is paying child support under the Court order (payor).
- ☐ Other: *(Describe)* \_\_\_\_\_.

10. (Choose one or both)

- ☐ Since the time the existing order was made, the following circumstances have changed: *(Describe what has changed for you, for the other parent or for the child and how it has affected your child support. This may include changes in your financial situation, a child turning 18, an increase in Section 7 (special) expenses, etc.)*

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- ☐ A provincial/territorial child support service (eg: the Alberta Child Support Recalculation Program) has recalculated the amount of child support under the Child Support Order, and I do not agree with the recalculated amount. A copy of the recalculation that I do not agree with is attached as Exhibit “\_\_\_\_\_”.



11. (Choose all that apply)

- ☐ I am requesting a change to support from today's date forward.
- ☐ I am requesting a change to support from a date in the future.
- ☐ I am requesting a retroactive change to support (ie: a change from a date in the past). The reasons why I did not ask for a change to child support at an earlier date are as follows: *(Describe why you waited until now to make your court application to change child support, and why you did not make this application sooner. Include information about whether you have communicated with the other party regarding changes to child support in the past. Be as specific as possible.)*

[illegible]

- ☐ I am requesting that child support arrears be reduced or cancelled for the following reasons:

[illegible]

☐ I am requesting that the child support order be adjusted as the child \_\_\_\_\_  
(name), is no longer a child of the marriage. The reasons for this are as follows: *(Describe the  
circumstances of the child and attach supporting documents as exhibits).*

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☐ I am requesting that the child support order be adjusted as the child \_\_\_\_\_  
(name), has resumed their status as a child of the marriage. The reasons for this are as follows:  
*(Describe the circumstances of the child and attach supporting documents as exhibits).*

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☐ Other: *(Describe any other changes you are requesting and provide evidence to support your request)*

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12. (Choose all that apply)

- ☐ I am requesting a change to support based on the *Federal Child Support Guidelines*.
- ☐ I am requesting an order that the amount of support be different from the *Federal Child Support Guidelines* for the following reasons: (Choose all that apply)

- ☐ **Undue Hardship:** I am claiming undue hardship for the following reasons: (Explain your reasons for claiming undue hardship. If your reasons include a payment of money, provide the dollar amounts paid, and attach proof of payment and any other supporting documents as exhibits.)

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I live with the adults and children listed below. If I live with another adult, their income is set out below. (List the names of any adults and children in your household. If living with any adults, state their gross annual income from all sources and attach proof of their income as exhibits.)

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I am proposing that child support be set at \$\_\_\_\_\_ per month.

- ☐ **Child Over the Age of Majority:** I am proposing that child support be set at a different amount because the child, \_\_\_\_\_ (Name of child) is over the age of majority. That child's circumstances are as follows: (Explain where the child is living, details of their educational program (if applicable), what their expenses are, how those expenses are being paid, the child's own income and other resources, and any other information needed to make a decision about the amount to be paid for child support. Attach proof of the child's income and other circumstances as exhibits.)

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I am proposing that child support be set at \$\_\_\_\_\_ per month.

- ☐ **Income Over \$150,000:** I am proposing that child support be set at a different amount because the parent who pays support has an income over \$150,000. My reasons for the amount I have proposed are: *(Specify)*

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I am proposing that child support be set at \$\_\_\_\_\_ per month.

13. **Special or Extraordinary Expenses (Section 7 Expenses)** *(Choose all that apply)*

- ☐ I have no special expenses for the child(ren).
- ☐ I am requesting that the Respondent and I share in the child(ren)'s Special or Extraordinary Expenses commencing on \_\_\_\_\_ *(date)*. *(If the date is in the past, please describe why you did not make an application for these expenses earlier. Fill out the table of expenses below.)*

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- ☐ My special expenses for the children have changed since the last Order as follows: *(Describe and fill out the table of expenses below)*

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- ☐ One or both of the parties' incomes has changed since the last order, and I am requesting that the parties' percentages of expenses be updated as of \_\_\_\_\_ *(date)*. *(If the date is in the past, please describe why you did not make an application for these expenses earlier.)*

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- ☐ The child(ren)'s expenses are as follows:

Special Expense	Gross Annual Amount
Child care expenses	\$
Children's portion of medical or dental insurance premiums	\$
Health-related expenses over \$100 annually (after insurance reimbursement)	\$
Extraordinary expenses for primary/secondary education or other educational programs	\$
Expenses for post-secondary education	\$
Extraordinary expenses for extracurricular activities	\$

- ☐ I attach receipts for the above expenses as Exhibit "\_\_\_\_\_".
- ☐ I attach a child support calculation (eg: from the ChildView or DivorceMate programs) which shows the net (after-tax) amount of the child(ren)'s expenses as Exhibit "\_\_\_\_\_".
- ☐ I provide the following additional information regarding the child(ren)'s expenses to support my claim: *(Give information about the expenses, including any contribution from the child(ren), as well as information about why the expenses are reasonable and necessary. If you did not provide receipts for all the expenses, describe why no receipt was provided, and describe why the amounts set out in the table above are accurate. If you are attaching any documents, they must be marked as exhibits.)*

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- ☐ I want to stop paying for the child(ren)'s Section 7 Expenses, or to reduce the amount of my payment for the following reasons: *(Describe why you would like to reduce or eliminate your contribution to Section 7 Expenses. If you are attaching any documents, they must be marked as exhibits.)*

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## SPOUSAL SUPPORT:

14. (Choose one)

- ☐ I am the person who is paying spousal support under a Court order (payor).
- ☐ I am the person who is receiving spousal support under a Court order (recipient). (Fill in the sections below)

I have the following education and training: (describe)

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I have worked at the following jobs: (describe)

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Attached as Exhibit “\_\_\_\_” is detailed information regarding my assets and liabilities, and my monthly budget. (see form at the end of the Affidavit).

My Health: (choose one)

- ☐ I am in good health
- ☐ I suffer from an illness or disability that affects by ability to work. (describe)

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Attached as Exhibit “\_\_\_\_” is detailed information regarding my assets and liabilities, and my monthly budget. (see form at the end of this

- ☐ Other: (You are not currently paying or receiving spousal support. Describe your situation)

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15. Since the time the existing order was made, the following circumstances have changed: *(Describe what has changed for you, or for the other party, and how it has affected your spousal support.)*

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16. *(Choose all that apply)*

☐ I am asking for the amount of spousal support to change for the following reasons: *(Describe)*

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☐ I am asking for spousal support to be terminated for the following reasons: *(Describe)*

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☐ I am requesting a retroactive change to support or a retroactive termination to support. The reasons why I did not make this application earlier are as follows: *(Describe why you waited until now to make your application to change or terminate spousal support, and why you did not make this application sooner.)*

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- ☐ I am requesting that my spousal support arrears be reduced or eliminated for the following reasons:

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- ☐ Other: *(Describe any other changes you are requesting and provide evidence to support your request)*

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## ADDITIONAL INFORMATION

17. I have the following other information in support of my application:

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### Sworn (OR Affirmed) before me

at \_\_\_\_\_, Alberta  
on \_\_\_\_\_, 20 \_\_\_\_\_

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

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



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

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



## ASSETS, DEBTS AND MONTHLY BUDGET

### A. ASSETS

	Asset	Particulars	Date Acquired	Value (Estimated)
1.	<b><u>Real Estate:</u></b> <i>(List any interest in land, including leasehold interests and mortgages owing to you, whether or not you are registered as owner. Provide legal descriptions and indicate without deducting encumbrances or costs of disposition. Record encumbrances under debts)</i>			
2.	<b><u>Vehicles:</u></b> <i>(List cars, trucks, motorcycles, trailers, motor homes, boats, etc.)</i>			
3.	<b><u>Financial Assets:</u></b> <i>(List savings and chequing accounts, term deposits, GIC's, stocks, bonds, Canada Savings Bonds, mutual funds, insurance policies (indicate beneficiaries), accounts receivable, etc.)</i>			
4.	<b><u>Pensions and RRSP's:</u></b> <i>(Indicate name of institution where accounts are held, name and address of pension plan and pension details)</i>			
5.	<b><u>Corporate / Business</u></b>			

	<p><b><u>Interests:</u></b>  <i>(List any interest you hold, directly or indirectly, in any corporation, unincorporated business, partnership, trust, joint venture, etc.)</i></p>			
6.	<p><b><u>Other:</u></b>  <i>(List anything else of value that you own, including precious metals, collections, works of art, jewelry or household items of high value.)</i>  <i>(Include location of any safety deposit boxes)</i></p>			

**B. DEBTS**

Debt		Particulars	Date incurred	Balance Owing	Monthly Payment
1.	<b><u>Secured Debts:</u></b> <i>(List all mortgages, lines of credit, car loans, and any other debt secured against an asset that you own.)</i>				
2.	<b><u>Unsecured Debts:</u></b> <i>(List all bank loans, personal loans, lines of credit, overdrafts, credit cards and any other debts that you have)</i>				
3.	<b><u>Other:</u></b> <i>(List any other debts not listed above)</i>				
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## C. Monthly Budget

**Line 1:** Total Net Monthly Income from all sources (e.g. include employment income (After payroll deductions), EI Benefits, social assistance, Child Tax Benefit etc.) \$ \_\_\_\_\_

<b>Monthly expenses:</b>			
Rent or mortgage	\$	Clothing	\$
Property Taxes	\$	Laundry, dry cleaning	\$
Home insurance	\$	Haircuts, personal care	\$
Cable television	\$	Newspaper, subscriptions	\$
Internet	\$	Alcohol, tobacco	\$
Telephone	\$	Savings for future	\$
Utilities	\$	Vacation Savings	\$
Home maintenance	\$	Entertainment, recreation	\$
Vehicle Loan	\$	Activities for children	\$
Gas for Vehicle	\$	School expenses	\$
Vehicle maintenance	\$	Day care, babysitting	\$
Vehicle Insurance	\$	Gifts, allowances	\$
Public transportation	\$	Other: (please specify)	\$
Food, groceries, Household supplies	\$		\$
Meals outside the home	\$		\$
Dental/Medical Insurance (if not deducted by your employer)	\$		\$
Dental/Medical expenses not covered by insurance	\$		\$
Total Monthly Debt payments	\$		\$
<b>Total Column 1</b>	\$	<b>Total Column 2</b>	\$
<b>Line 2: Total of Column 1 + Column 2 = Total Monthly Expenses:</b>			<b>\$</b>

Total Monthly Income from Line 1:	\$
(Minus) Total Monthly Expenses from Line 2: -	\$
Equals Monthly Surplus or Deficit +/-	\$

## **TABLE OF EXHIBITS**

*(Exhibits are numbered, starting with the first page of the first exhibit being #1, and continuing through to the last page of the last exhibit. On this chart, write the page number where each exhibit starts.)*

<b>Exhibit Letter</b>	<b>Brief Description of Exhibit</b>	<b>Page Number</b>
A		
B		

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

COURT COURT OF KING'S BENCH  
OF ALBERTA

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

APPLICANT \_\_\_\_\_

RESPONDENT \_\_\_\_\_

Clerk's Stamp

DOCUMENT **REQUEST TO CONVERT – SECTION 18.2  
OF THE *DIVORCE ACT* (CANADA)**

ADDRESS FOR SERVICE AND  
CONTACT INFORMATION OF  
PARTY FILING THIS  
DOCUMENT \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

*(This form may be filed under section 18.2 of the Divorce Act (Canada) by the Respondent to a support variation application made under that Act in Alberta, if the Respondent habitually resides in a different province/territory of Canada and wishes to request that the application be converted to an interjurisdictional proceeding under section 18.1 of that Act.)*

**TO THE COURT CLERK:**

1. I, \_\_\_\_\_, request that the support variation application filed by \_\_\_\_\_ on \_\_\_\_\_ (date) be converted to an interjurisdictional proceeding under section 18.1 of the *Divorce Act* (Canada).
2. My province or territory of residence is \_\_\_\_\_.
3. My address for service in my province of residence and my contact information are as follows:

Address: \_\_\_\_\_

Telephone number: \_\_\_\_\_

Email address: \_\_\_\_\_

**FOR USE BY ORDER ASSIGNEE ONLY**

\_\_\_\_\_ (Name of order assignee) in \_\_\_\_\_ (province/territory) requests that the support variation application filed by \_\_\_\_\_ on \_\_\_\_\_ (date) be converted to an interjurisdictional proceeding under section 18.1 of the *Divorce Act* (Canada).

Address for service and contact information of the Order Assignee:

Address: \_\_\_\_\_

Telephone number: \_\_\_\_\_

Email address: \_\_\_\_\_



Clerk's Stamp

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

COURT Court of King's Bench of Alberta

JUDICIAL CENTRE \_\_\_\_\_  
(City or town where court is located)

PLAINTIFF  
Applicant/Respondent \_\_\_\_\_  
(Print Plaintiff's name and circle if they are applicant or respondent)

DEFENDANT  
Applicant/Respondent \_\_\_\_\_  
(Print Defendant's name and circle if they are applicant or respondent)

DOCUMENT: **Affidavit of Service**

SWORN / AFFIRMED BY: \_\_\_\_\_  
(Name of person making this Affidavit)

SWORN / AFFIRMED ON: \_\_\_\_\_  
(Date Affidavit sworn / affirmed)

ADDRESS FOR SERVICE  
AND CONTACT  
INFORMATION OF PARTY  
FILING THIS DOCUMENT \_\_\_\_\_  
(Name of party filing this document)

\_\_\_\_\_  
(Full address of party filing this document including email)

\_\_\_\_\_  
( )

**WARNING:** This Affidavit of Service is for Personal Service of documents. If you would like to serve the documents on the other party using any other method of service (eg: Registered Mail or E-mail), you must obtain an Order for Substitutional Service. The documents required for this application are available at <https://www.alberta.ca/family-law-kits.aspx>

I, \_\_\_\_\_, of \_\_\_\_\_, Alberta,  
(Name of person who served) (Name of City / Town)

**SWEAR / AFFIRM AND SAY THAT:**

1. I have personal knowledge of the facts set out below, except where I say that they are based on information and belief. In that case, I believe the information to be true.



2. I am 18 years of age or older.

3. On \_\_\_\_\_ I served the Respondent,  
(Date)  
\_\_\_\_\_ with the following documents:  
(Name of person who was served)

- ☐ Application form (Form FL-19): \_\_\_\_\_  
Date filed with the Court
- ☐ Affidavit: \_\_\_\_\_  
Date filed with the Court
- ☐ Disclosure Statement: \_\_\_\_\_  
Date filed with the Court
- ☐ Other: (State the name of the document and the date filed with the court. If it is not a filed document, attach a copy as an exhibit to this Affidavit.)  
\_\_\_\_\_  
\_\_\_\_\_

4. I served (e.g. gave the documents to) the documents listed above by Personal Service on the Respondent at \_\_\_\_\_.  
Street address including city and postal code

**Sworn (OR Affirmed) before me**

at \_\_\_\_\_, Alberta  
on \_\_\_\_\_, 20 \_\_\_\_\_

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

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

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

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

COURT FILE NUMBER

\_\_\_\_\_  
(File number, as on other court documents)

COURT

Court of King's Bench of Alberta

JUDICIAL CENTRE

\_\_\_\_\_  
(City or town where court is located)

PLAINTIFF

Applicant/Respondent

\_\_\_\_\_  
(Print Plaintiff's name and circle if they are applicant or respondent)

DEFENDANT

Applicant/Respondent

\_\_\_\_\_  
(Print Defendant's name and circle if they are applicant or respondent)

DOCUMENT:

**Affidavit of Service on a Maintenance  
Enforcement Program or Social Service  
Agency in another Province re Form FL-19**

SWORN / AFFIRMED BY:

\_\_\_\_\_  
(Name of person making this Affidavit)

SWORN / AFFIRMED ON:

\_\_\_\_\_  
(Date Affidavit sworn / affirmed)

ADDRESS FOR SERVICE

AND CONTACT

INFORMATION OF PARTY  
FILING THIS DOCUMENT

\_\_\_\_\_  
(Name of party filing this document)

\_\_\_\_\_  
(Full address of party filing this document including email)

\_\_\_\_\_  
( )

I, \_\_\_\_\_, of \_\_\_\_\_, Alberta,  
(Name of person who served) (Name of City / Town)

**SWEAR / AFFIRM AND SAY THAT:**

1. I have personal knowledge of the facts set out below, except where I say that they are based on information and belief. In that case, I believe the information to be true.
2. I am 18 years of age or older.

3. On \_\_\_\_\_ I served \_\_\_\_\_  
(Date) (name of program and/or other province/territory)  
with the following documents:

- ☐ Application form: \_\_\_\_\_  
(date filed with the Court)
- ☐ Affidavit: \_\_\_\_\_  
(date filed with the Court)
- ☐ Claim: \_\_\_\_\_  
(date filed with the Court)
- ☐ Statement: \_\_\_\_\_  
(date filed with the Court)
- ☐ Disclosure Statement: \_\_\_\_\_  
(date filed with the Court)
- ☐ Order: \_\_\_\_\_  
(date filed with the Court)
- ☐ Other: (State the name of the document and the date filed with the court. If it is not a filed document, attach a copy as an exhibit to this Affidavit.)  
\_\_\_\_\_  
\_\_\_\_\_

4. I served the documents listed above by using the following method:

- ☐ Emailing the documents to \_\_\_\_\_ at \_\_\_\_\_
- ☐ Other: (Describe the method and attach documents proving receipt, if any, as Exhibits to this Affidavit.)  
\_\_\_\_\_  
\_\_\_\_\_

Sworn (OR Affirmed) before me  
at \_\_\_\_\_, Alberta  
on \_\_\_\_\_, 20 \_\_\_\_\_

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

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

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

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