

Instructions

Consent Order

Before you Begin:

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

Warning!

- If you are including a reduction of arrears of support, and the recipient of support has ever been on Income Assistance, you may not be able to do a Consent Order. Talk to Maintenance Enforcement to see if there are any subrogated arrears. If there are, you make an application in court, and serve the Director of Maintenance Enforcement with your application.
- If you are wanting to change ongoing support and the recipient of support is on Income Assistance now, you may not be able to do a Consent Order. Make an application in court and serve the Director of Maintenance Enforcement.



Tips:

Write the clauses in complete sentences.

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

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

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

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

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

Fill in the Consent Order

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

Have the Consent Order signed and witnessed

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

Fill in the Ex Parte Form

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

Have the Consent Order signed by a Judge:

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

File the Order

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



Tip:

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

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

Or Fax: 780-401-7575

Special Instructions for Edmonton

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

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

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

Calgary

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

Edmonton

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

Grande Prairie

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

Lethbridge

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

Red Deer

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

Medicine Hat

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

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

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)

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

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

DOCUMENT **Consent Variation Order**

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

(Full address)

()



Date on which Order was pronounced: _____

Location of Hearing: _____

Name of Judge who made this Order: _____

THE COURT HAS BEEN ADVISED OF THE FOLLOWING:

THE APPLICANT has a Guideline income of \$_____

THE RESPONDENT has a Guideline income of \$_____

THE NAME AND BIRTHDATE of each child of the parties is as follows:
(List all children involved in this case)

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

THE PARTIES have agreed to depart from the *Child Support Guidelines* for the following reasons: *(Explain)*

IT IS HEREBY ORDERED THAT:

1. Except as otherwise varied by this Variation Order, the previous Order of the Honourable Justice _____ dated _____ remains in full force and effect.
(Name of Justice who granted previous Order) *(Date of previous Order)*

2. Child Support – Base Amount

_____ shall pay to _____
(Payor's full name) *(Recipient's full name)*
the sum of \$ _____ per month for the support of the child(ren) of the parties,

(Full names of children)
payable on the _____ day of each month, commencing _____
(e.g. 1st or 15th) *(Date)*

3. Child Support – Special Expenses

(If there are special or extraordinary expenses, choose one and complete)

_____ shall pay to _____
(Payor's full name) *(Recipient's full name)*
the sum of \$ _____ per month for additional expenses for the child(ren),
payable on the _____ day of each month, commencing _____
(e.g. 1st or 15th) *(Date)*

The following are the additional expenses for the child(ren):

(List the expenses. Be specific.)

_____ shall pay to _____
(Payor's full name) (Recipient's full name)

_____ % of the following additional expenses for the child(ren):

(List the expenses. Be specific.)

The payment arrangement for the additional expenses shall be as follows:

(Describe when and how receipts will be exchanged, and how when the payment must be made. If your file is registered with Maintenance Enforcement, say that the receipts must also be sent to them.)

4. **Spousal Support**

_____ shall pay to _____
(Payor's full name) (Recipient's full name)

the sum of \$ _____ per month for spousal support, payable

on the _____ day of each month, commencing _____
(e.g. 1st or 15th) (Date)

5. (Choose one)

This Order may be recalculated by the Alberta Child Support Recalculation Program ("the Recalculation Program") based on its anniversary date, if eligible for recalculation and if the Recalculation Program determines recalculation is permissible and appropriate pursuant to the *Family Law Act* and regulations. Either party may apply to register with the Recalculation Program at 8th floor, 10365 – 97 Street, Edmonton, Alberta, T5J 3W7, telephone 780-401-1111 (website: www.recalculation.alberta.ca). Should either party fail to comply with the income disclosure requirements of the Recalculation Program, then the income of that party may be automatically deemed to have increased as set out in section 55.51 of the *Family Law Act*.

This Order shall not be recalculated by the Alberta Child Support Recalculation Program.

- 6. Each party shall provide the other party with a complete copy of his or her income tax return and any notices of assessment and reassessment issued to him or her by the Canada Customs and Revenue Agency on an annual basis, on or before June 30th of each year, as long as there is a child of the marriage as defined by the *Divorce Act* (Canada). In the event that a party has not filed an income tax return for the previous year, he or she shall provide the other party with copies of his or her T4, T4A and all other relevant tax slips and statements disclosing any and all sources of income, including self-employment income.

- 7. The amounts owing under this Order shall be paid to the Director of Maintenance Enforcement (“MEP”) at 7th floor North, 10365 – 97 Street, Edmonton, Alberta, T5J 3W7, (telephone 780-422-5555, website www.albertamep.gov.ab.ca), and shall be enforced by MEP on the filing of the Order with MEP by the creditor (recipient of support) or debtor (payor of support). The amounts owing shall continue to be enforced by MEP until the party who filed this Order gives MEP a notice in writing withdrawing this Order from filing in accordance with section 9 of the *Maintenance Enforcement Act*.

 Justice of the Court of King's Bench of Alberta

CONSENTED TO:

 (Signature of Applicant)

 (Signature of Witness to Applicant)

CONSENTED TO:

 (Signature of Respondent)

 (Signature of Witness to Respondent)

AFFIDAVIT OF EXECUTION

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

SWEAR / AFFIRM AND SAY THAT:

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

Sworn (OR Affirmed) before me

at _____, Alberta
on _____, 20 _____

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

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



(Signature of Witness)

ID Verified _____

AFFIDAVIT OF EXECUTION

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

SWEAR / AFFIRM AND SAY THAT:

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

Sworn (OR Affirmed) before me

at _____, Alberta
on _____, 20 _____

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

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



(Signature of Witness)

ID Verified _____

EX PARTE APPLICATION

1. Q.B. No. _____ Date: _____

2. Style of Cause _____

v.

3. Applying for: OR Order for:
Fiat for:

4. Name of Solicitor:

5. Name of Firm:

6. Applicant’s submissions shall be made on reverse.

FOR CLERK’S USE

Signed: _____

Granted: _____ Comments:

Not Granted _____

Judge _____