

Choosing Which Forms to Use

Making a Support or Support Variation Application Outside New Brunswick

Introduction

New Brunswick has reciprocal agreements with most Canadian provinces and territories, and with several foreign countries. These are ‘reciprocating jurisdictions’. This means that New Brunswick and each of the ‘reciprocating jurisdictions’ have agreed to recognize each other's family support (maintenance) laws.

The New Brunswick law about reciprocity is the *Interjurisdictional Support Orders Act*, which is called ‘ISO’ as a short form. Each of the reciprocating jurisdictions has similar ISO laws.

Using ISO, you can apply for a support order in one of the reciprocating jurisdictions without having to go there. You can also apply to change an existing support order. A person in one of the reciprocating jurisdictions can do the same thing. The person making the application does not usually have to go to court – the respondent (the person in the reciprocating jurisdiction) goes to court to *respond* to the application.

There are several forms available for applications using the ISO laws. Not all of the forms are needed for every application. By answering a few questions, you can pick the forms that you need.

1. **Where does the other person (the respondent) live?** _____

2. **Is this a ‘reciprocating jurisdiction’?**

Look at the list in the box below. If the respondent lives in one of the reciprocating jurisdictions, go on to the next question. If your answer is ‘no’, you cannot use ISO laws.

Reciprocating Jurisdictions (see the <i>Interjurisdictional Support Orders Regulation</i> for the official list of Reciprocating Jurisdictions and included territories)	
<p>In Canada All Canadian Provinces and Territories</p> <p>In the United States of America All US States, the District of Columbia, Puerto Rico, Guam, American Samoa, and the US Virgin Islands</p> <p>In the United Kingdom England, Scotland, Northern Ireland, Isle of Man</p> <p>In Europe Austria, Germany, Poland</p>	<p>In Asia Singapore</p> <p>In Australia New South Wales, Queensland, South Australia, Tasmania, Victoria and Western Australia</p> <p>Others Australia New Zealand Fiji Bermuda Trinidad and Tobago</p>

3. What are you applying for? Which of these statements applies to you?

- I want to get an order for support for children, and/or myself. I *do not* have an order or written agreement that deals with support. Fill out Section **A** on this page.
- I want to change an order or agreement that deals with support for children and/or myself. I am the person who *receives* support in the order or agreement I have now. Fill out Section **B** on this page.
- I want to change or cancel the support in an order or agreement I have now. I am the person who is required to *pay* support in the order or agreement I have now. Fill out Section **C** on the next page.
- I want to change or cancel the support in my Divorce order. (*If this statement applies to you, you cannot use ISO laws for your application. The Divorce Act is a federal law and it has its own rules. Please get legal advice on how to change or cancel the support in your Divorce order. Legal Aid services may be available.*)

Section A

Support Application – if you do not have a support order now	√ If yes	Use Form(s)	Office Use Only
I am applying for a support order.		1 and 2	
I am asking for support for a child or children under age 19.		5	
I am asking for support for 1 or more children age 19 or older, or the other parent and I have split custody of the children, or the other parent and I have shared custody of a child, or I am asking for a different amount than in the child support guidelines tables, or I believe the respondent makes more than \$150,000 per year.		12 7	
I am asking for additional child support, to cover special expenses.		8	
I am asking that the respondent (the other person) be declared a parent of a child or children.		3	
I believe the respondent may say he/she is not the parent of a child or children.		4	
I want the court to make an order even if the respondent does not come to court, or give financial information (<i>recommended</i>).		6	
I am asking for support for myself.		10 and 11	

Section B

Support Variation Application– if you receive support	√ If yes	Use Form(s)	Office Use Only
I am applying to change a support order I have now.		1, 2 and 13	
I want to change the amount of child support.		5, 6	
I want child support for a child or children age 19 or older.		7 and 12	
I am asking that the amount of support change, - the respondent and I have split, or shared, custody, or - the child support guidelines table amount would cause hardship, or - I believe the respondent makes more than \$150,000 per year.		7	
I want to change, or add, an amount for special expenses.		8	
I want to change the amount of support for myself.		10 and 6	
If my choice includes any of Forms 7, 8, or 10.		11	

Section C

Support Variation Application – if you pay support	√ If yes	Use Form(s)	Office Use Only
I am applying to change or cancel a support order I have now.		1, 2, 11, 13	
I want the court to make an order even if the respondent does not come to court, or give financial information (<i>recommended</i>).		6	
I want to change, or end, support for a child age 19 or older.		9	
I am asking that the amount of support change, - the respondent and I have split, or shared, custody, or - the child support guidelines table amount would cause hardship.		9	

You have now identified that you can use the ISO process and which forms you need to make your application to a court in a ‘reciprocating jurisdiction’. Each of the forms has a matching ISO Guide that will help you fill in the forms. There are a two ways to get the Forms and Guides:

1. If you have access to the Internet, all the forms are available on-line at the New Brunswick government website at:
<http://www.web11.snb.ca/snb7001/e/1000/1001e.asp>

Here, you can type in your information and print the forms yourself, if you wish.

- OR -

2. Contact the **Public Legal Education and Information Service of New Brunswick (PLEIS NB)**
PO Box 6000, Fredericton NB E3B 5H1
Telephone: 506-453-5369 in Fredericton or toll free outside Fredericton at 1-888-236-2444,
Fax: 506-462-5193, or E-mail: pleisnb@web.ca

These forms are also available on the PLEIS NB website at: <http://www.legal-info-legale.nb.ca/pub.asp>

If you want the Forms and Guides mailed to you, you can fax or mail this document to PLEIS New Brunswick.

<i>Your name:</i>
<i>Your mailing address:</i>
<i>Postal code:</i>
<i>Your daytime telephone number:</i> ()