

The package of documents you have received is an application to the New Brunswick court. This application is from a person in a "reciprocating jurisdiction" that is asking the New Brunswick court to make an order.

What's a "reciprocating jurisdiction"?

New Brunswick has arrangements with each of the Canadian provinces and territories, and many foreign countries, to deal with support orders. Each of these places is a "reciprocating jurisdiction". There is a list in the regulations under the *Interjurisdictional Support Orders (ISO) Act*. When two places reciprocate it means that they recognize each other's support orders, and support orders can be made, changed, and enforced using reciprocal laws. People involved in family support (also called 'maintenance') cases do not have to travel to another province, territory, or country to have a court deal with their orders.

The person who has made this application is in one of the "reciprocating jurisdictions". The application will be dealt with by the New Brunswick court. The New Brunswick court will make an order.

In most cases, the person applying for an order will have filed a Form 6. This is a request to the court to make an order *even if you do not go to court, or file necessary documents*. The court *can* make an order if you do not go to court, and that order will be legal. If you want a say in the order the court will make, it is important that you read this ISO Guide, and the package of documents you received.

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Have you read the documents you received? Form 1 is the one that gives a summary of what the claimant / applicant is asking for.

You have been served with a Notice of Hearing. The Notice sets out in detail the information and documents that you are required to file with the court within 20 days of service of the Notice upon you.

Form 16 (Respondent's Answer) contains information about your name and address. Form 11 (Financial

Statement) and Form 12 (Child Status and Financial Statement) contain all of the financial information that the Notice requires you to file with the Court.

Please note: There may be other evidence that you will need to provide to the Court if you are contesting the application. You are advised to consult a lawyer.

Office Use Only box, top right

The court may have filled in the court file #, court location, and reciprocal #. If you need to contact the court, you should always quote the court file #. If this box has not been filled in, the numbers are on the Application you received. Copy them onto your "working" copy.

Identification

There are two check boxes on the left of Form 16. You are the respondent, so you will check off the first one. The second box would be checked by an agency that has a right to be involved.

Note: If you are a support recipient who has assigned maintenance rights to the Department of Family and Community Services (FCS), FCS may want to be in court, and receive any order that is made.

The person applying for an order is the:

- Claimant** - if this is an application for a 'first' support order, or
- Applicant** - if this is an application to change an order you have now.

You are the **Respondent**. You are 'responding' to the application.

In the box, write your name, address, telephone and fax numbers. If you are not comfortable with the applicant knowing your home address, you can choose another address to receive documents. Check off whether it is your own address, in care of your lawyer, or in care of another person. This is the address and contact numbers the court will use to get in touch with you, and to send you any mail. This information will be on the court file. If you need to keep your address

confidential, you must give a different address where you can be reached.

- I agree with the application that I will pay support.** If you are the **payor**, you must complete a sworn/affirmed financial statement for the court even if you agree with everything the claimant or applicant is asking for. A blank Form 11 and Guide for completing it are enclosed with your package. If you receive support and you agree with the claim, you do not have to attach a financial statement to Form 16.
- I do not agree with the application.** My reasons for not agreeing are in the attached documents.

I will go to Court...

If you do not agree with the order requested, it is assumed you will go to court. You can go by yourself, or have a lawyer with you. The court hearing is where you have your say about the order the court will make. Again, you need to know that if you do not go to court, or file the information the court needs, an order can and will be made even if you are not there. So, check off the box on the left of your working copy, and then read through the descriptions below. You will have to fill in one, or more, of the other forms. As you check one off, add the form to your Worksheet at the end of this ISO Guide.

- Financial Statement.** The financial statement – a blank copy is in the package you received – is almost always necessary. The only time it is *not* required is if you are a support recipient, and you have agreed to change an existing support order. You will have checked off the third little box under the “I agree” section.
- Request to Pay, different than child support guidelines.** If you are a support payor, and you want to pay a different amount than the child support guidelines table amount, check this box. You will need to fill out Form 9. The ISO Guide for Form 9 gives you more information about the child support guidelines.
- Request for a child support order, different than child support guidelines.** If you are a support recipient, and you want to receive a different amount than the child support guidelines table amount, check this box. You will need to fill out Form 7. The ISO Guide

for Form 7 gives you more information about the child support guidelines.

- Special Expense Claim.** Has the applicant/payor applied to change the special expense amounts listed in an order you have now? If yes, and you do not agree with the change, check this box, and fill out Form 8.
- Child Status and Financial Statement.** Do you agree with an application that asks for support for a child over the “age of majority” (age 19 in NB), **or** wants to end support for an “age of majority” child? If you do not agree, check this box. You will fill in a Form 12 for each ‘over majority’ child.
- Other.** There may be other forms or documents you want the court to see. List them in this section.

‘I Will Have a Lawyer’

If you choose to have a lawyer with you at court, check the box on your working copy of Form 16. On the lines, write your lawyer's name, address, and telephone number. With this information, the court will contact your lawyer directly.

You have an obligation to keep the court informed of any change of address. It is very important that you update the court if any of your contact information changes.

Swearing/Affirming the documents

The forms and documents you file with the court are evidence. At the end of Form 16 is the ‘oath’ part. Do not sign it yet, or fill in the date. When you have your complete package of documents, ready to file, take it to a lawyer or notary public. The person who “takes your oath” will ask you if all the information is true. If you say yes, you will be asked to sign your Answer, and the lawyer or notary will fill in the part on the left, and put a stamp on the form.

Once this is done – the documents are sworn/affirmed – do not make any changes or add anything. Make 3 photocopies of the whole package. Take your “original” sworn/affirmed package (the one that you signed in front of the lawyer or notary) and two of the copies to the court or mail it in to the Registrar’s office. If you have a lawyer, this step will probably be done by your lawyer’s office. Keep one photocopy for yourself. You will take it to court with you. You must file your documents on or before the court date.

Worksheet

As you went through this ISO Guide and Form 16, did you note any information or documents you needed? Write them down on this worksheet. As you get the

document, or complete a task, check off the 'done' column. Keep any documents with the 'good' copy of Form 16.

Worksheet

Document / To Do	Done