

New Brunswick Child Support Variation Kit



*Information for parents who want to change,
or have been asked to change, an
existing child support order or agreement.*



Public Legal Education
and Information Service
of New Brunswick

New Brunswick Child Support Variation Kit

Public Legal Education and Information Service of New Brunswick has developed this child support variation kit in cooperation with the Department of Justice and Consumer Affairs. The purpose of the kit is to help parents who want to update their child support orders but have no options except to apply to the court on their own.

Public Legal Education and Information Service of New Brunswick (PLEIS-NB) is a registered charity whose goal is to provide New Brunswickers with information on the law. PLEIS-NB receives funding and in-kind support from the Department of Justice Canada, the New Brunswick Law Foundation and the New Brunswick Office of the Attorney General. Funding for revisions to this kit was provided by the New Brunswick Department of Justice and Consumer Affairs and supported by Justice Canada.

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This Guide does not offer legal advice. The Guide is for general information only. It does not contain a complete statement of the law in the area of family law, and laws change from time to time. PLEIS-NB and its contributors are not responsible for errors and misunderstandings. Anyone requiring advice about his or her specific legal situation should contact a lawyer.

Published by:



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and Information Service
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Table of Contents

INTRODUCTION	1
PART I: CHANGING A CHILD SUPPORT ORDER	3
Step 1: Prepare the Documents for the Motion	3
Step 2: Swear to the Affidavit and Financial Statement	7
Step 3: File Your Documents at the Court Office	7
Step 4: Arrange Service on the Other Parent	8
Step 5: File the Record on Motion	10
Part II: REPLYING TO A NOTICE OF MOTION	11
Step 1: Prepare the following documents	11
Step 2: Swear to the Financial Statement (and affidavit if one)	11
Step 3: File the documents	11
Step 4: Arrange service	11
Part III: PREPARING FOR THE COURT HEARING	12
Step 1: Find out if there will be a hearing	12
Step 2: Gather any documents	12
Step 3: Organize your evidence and arguments	12
Step 4: Go to the court hearing	12
Step 5: Getting a Court Order	13
COURT OFFICE ADDRESSES AND JUDICIAL DISTRICTS	14
EXAMPLES OF COURT DOCUMENTS	15
Example 1: Notice of Motion under <i>Divorce Act</i> (Form 72U)	16
Example 2: Notice of Motion under <i>Family Services Act</i> (Form 72U)	19
Example 3: Affidavit	22
Example 4: Covering Letter for Documents	24
Example 5: Affidavit of Service (Personal Service)	25
Example 6: Affidavit of Service by Registered Mail	26
Example 7: Receipt Card (Form 18A)	27
Example 8: Cover Page for a Record on Motion	28
Example 9: Index for a Record on Motion	29
Example 10: Responding Document	30

Introduction

Before using this kit, carefully review this checklist:

- ✓ Talk to a lawyer before using this kit to do it yourself. Parents should be sure they understand their rights, obligations and options. If you cannot afford a lawyer, and you are changing an existing order under the *Family Services Act* (not the *Divorce Act*), you may be eligible for legal aid if you meet their financial criteria. If you live in Saint John, you can call 658-2261 to make an appointment to consult with a Family Advice Lawyer at the new Family Law Information Centre. If you live elsewhere, call 1-855-266-0266 to find out if there are Family Advice Lawyers available in your area.
- ✓ Before you act, learn more about the **Child Support Guidelines**. These guidelines automatically apply to all parents who divorce or separate. They set out the method used by courts to calculate the amount of child support to be paid when parents divorce. Provincial legislation (*Family Services Act*) also uses the guidelines to calculate child support amounts for unmarried or separating parents. The basic amount of child support is found in province-specific tables. Whenever there is a change in circumstances that would result in a different table amount, parents can change their child support order. This is called a “**variation**”. Either parent can ask the court to apply the child support guidelines.
- ✓ Justice Canada has a section on its website called “**About Child Support**” - <http://www.justice.gc.ca/eng/pi/fcy-fea/sup-pen/index.html>. You can find helpful resources, publications and tools. **You can also call Justice Canada’s Family Law Information Line at 1-888-373-2222.**
- ✓ Justice Canada’s website offers a “**Child Support On-line Look Up**”. This on-line “calculator” can help you to determine the basic amount of support you might expect to get. Parents can calculate the table amount by looking at the payer’s income and the number of entitled children. You will have to know the annual gross income of the paying parent. If you do not know this, arrange to get the information. Under the Guidelines, payers must disclose their income. Set the calculator to the province where the payer lives and works, even if the children live in another province. Once you calculate the support payable under the guidelines, you can consider your options. Consult an accountant or contact the Canada Revenue Agency toll-free line (1-800-959-8281) if you have questions about child support and tax rules.
- ✓ You can also review family law publications, annotated forms and FAQs on the **Family Law NB** website of the Public Legal Education Information Service of New Brunswick at www.familylawnb.ca or you can call the toll free **Family Law Information Line** at 1-888-236-2444.
- ✓ Consider using mediation or a collaborative law approach to vary your order. Such methods can help parents reach an agreement that reflects the child support guidelines. An agreement reached through mediation can be put into a “consent order”. When a consent order is filed with the court, a judge must approve and sign it to make it a court order. If mediation is not possible, or fails, you will have to apply to court. For information on a free mediation service to help families decide custody, access and child support, call toll free: 1-877-617-1778 or if in the Saint John region, call: 658-2261.
- ✓ **Please note:** The federal guidelines were enacted on May 1, 1997. Parents who have orders or agreements made before the guidelines came into effect (May 1997 for divorced parents, and May 1998 for unmarried or separated parents) have the option, if both parents are happy with their existing arrangement, to keep it as is. They also have the right to bring them in line with the child support guidelines at any time if they wish. An order made before the guidelines came into effect is not affected by the change in tax rules unless parents jointly elect to use them or the order is varied after this date.

You Have Reviewed the Checklist and Now You Want To Know... Is this kit for me?

This kit may help parents who

- **already have a court order** for child support, either from a divorce (under the *Divorce Act*) or from a court application under the *N.B. Family Services Act* (Note, the court will not consider whether the original order was right or wrong.); and,
- **are ordinarily resident in New Brunswick**, if the motion relates to an order from a divorce, or are one of the people named in the child support order, if the motion relates to an order under the *N.B. Family Services Act*; and,
- have reason to change a child support order because:
 - (i) **There has been a change in circumstances since the court made the existing order:** A parent can ask the court to change an order if there has been a change in circumstances that would result in a different table amount. For example, a payer's income may increase or decrease substantially. A payer who loses his/her job may need temporarily to suspend child support payments or ask the court to cancel the arrears already due;

Or

- (ii) **They are responding to an application by the other parent to change an existing order;**

Or,

- (iii) **They wish to change an order made before the child support guidelines were enacted to bring it into line with the guidelines:** A parent can make a motion to get the table amount under the guidelines simply because they had an order or agreement made before May 1, 1997 under the *Divorce Act* and May 1, 1998 under the *N.B. Family Services Act*.

and,

- **cannot afford a lawyer.** (Note, if you are changing an existing order under the *Family Services Act*, you may be eligible for legal aid if you meet their financial criteria.)

This kit is not recommended for parents who

- do not already have an order or agreement for child support.
- want to change a custody, access or spousal support order.
- need legal advice because
 - the parent who wants to change the order does not know where the other parent lives.
 - the other parent lives outside New Brunswick.
 - the child support order was made under provincial legislation in another province.
 - the facts of the situation are complicated, such as an undue hardship claim.

A court will not change child support because of problems with access.

Part I: Changing a Child Support Order

Part I sets out the steps for a parent who wants to change a child support order - the “**applicant**”. Changing an existing court order is called a **variation**. To vary your child support order, you must make a motion in court. A **motion** allows the court to decide a question after the original court proceeding is over. For example, you may want the court to bring your child support order into line with the child support guidelines. To make a motion yourself, you should carefully review this section.

Step 1: Prepare the Documents for the Motion

Checklist of Documents to Prepare

- ▶ 1. Notice of Motion (Form 72U)
- ▶ 2. Affidavit
- ▶ 3. Financial Statement (Form 72J) and income information
- ▶ 4. Blank Financial Statement form, if required.

1. Notice of Motion (Form 72U)

Fill out your Notice of Motion.
See Examples 1 and 2.

- ☐ Tell the court what order you are requesting.
- ☐ List the documents that you are including, such as affidavits, Financial Statements and income information.
- ☐ Sign the Notice of Motion and put your address under your signature.

Costs of making a motion include:

- about \$10 for forms and photocopying
(Note: most of the family law forms you will need are available electronically on the **Family Law NB** website at www.familylawnb.ca)
- approximately \$75 if you hire a process server

2. Affidavit

An **affidavit** is a signed written statement of facts that you swear or affirm is truthful. An affidavit is not a form. It is a statement that you prepare yourself. Example 3 is a sample affidavit. Prepare an affidavit to go with the Notice of Motion.

In an affidavit for a motion, you can include:

- facts about which you have personal knowledge, and
- statements based on your information and belief. In this case, indicate clearly when you are stating a belief and not personal knowledge. You must also clearly state how you got this information and why you believe it. For example, give the name of the person who told you and say that you believe the information.

Things you should know about affidavits:

- Making an affidavit is like being a witness in court.
- Write in the first person. Use “I”.
- Organize the information into separate paragraphs. Number your paragraphs. Each paragraph should cover only one piece of information.
- State your information clearly and accurately in unemotional language.
- Include the information the court needs to make a decision. Leave out irrelevant information and include all relevant information. Information is *relevant* if it helps to show a fact that you want to prove.
- Do not put in accusations, arguments or irrelevant statements.

Making a false statement in an affidavit is a criminal offence.

In an affidavit for a motion relating to child support, be sure to include:

- ☐ your full name and place of residence
- ☐ the date the existing order was made
- ☐ the names and birth dates of the children covered by the support order
- ☐ who the children live with
- ☐ where the respondent lives
- ☐ the current amount of child support
- ☐ who is the payer of child support
- ☐ who is the recipient of child support
- ☐ how often the child support payments are supposed to be made
- ☐ whether the child support payments are in arrears, and
- ☐ the changes in circumstances since the court made the order, such as an increase or decrease in the support payer's income.

Attach the original court order to the affidavit. Make sure that the information in your affidavit is complete because there may not be a hearing.

3. Financial Statement (Form 72J) and income information

You have to fill out a Financial Statement and provide income information if:

- you are the support payer **or**
- you receive the child support and it involves, or will involve: special expenses, a child over the age of majority, split or shared custody, or an undue hardship claim.

You may not have to fill out a Financial Statement or provide income information if:

- you are the parent who receives child support **and**
 - you apply for a change in the child support order **and**
 - you are asking for the table amount only **and**
 - the other parent does not claim undue hardship.
- Even if you are not required to turn in a Financial Statement and income information, it is a good idea to prepare these documents anyway. Keep them on hand in case the information becomes necessary later on.

4. Blank Financial Statement form

Ask the court office where you are filing the motion whether you will also need to serve a Notice to Respondent and a blank Financial Statement form.

You can get a Financial Statement (Form 72J) from the court or SNB for a small fee. Or, you can obtain and/or complete the form on the **Family Law NB** website (www.familylawnb.ca). Be sure to review **"The Financial Statement and Income Information: A Guide to Completing Form 72J"**. Just click on Family Law Forms and choose "Changing an order".

Tips for Preparing Your Documents

- ▶ You can get a blank Notice of Motion form for a small fee at any Service New Brunswick office. Photocopy blank forms before you start in case you make a mistake. Or, you can obtain and/or complete any of forms and documents you will need to file by going to the **Family Law NB** website (www.familylawnb.ca) under “family law forms”. (See page 15 for examples of these documents you need. These examples are also on the website.)
- ▶ Prepare court documents carefully. The court will not be less demanding just because you are preparing your own motion.
- ▶ Read the blank forms and look at the examples before you start.
- ▶ Prepare the document in either English or French.
- ▶ Use white paper to print your form.
- ▶ Use only one side of the page.
- ▶ You can fill in your forms and documents electronically. If you are using hard copies, be sure your printing is neat and legible. If you print, use a pen with black ink. Do not use a pencil. The court may return any documents that are not easy to read.
- ▶ Fill out the forms completely.
- ▶ You must **sign** the original. Type or print your name clearly underneath the signature.
- ▶ Check photocopies carefully. Always make extra copies for your own records.
- ▶ When you have completed your forms and your affidavit, consider hiring a lawyer to look over them. This may help make sure that everything goes smoothly. You may be able to see a lawyer at a legal advice clinic if one is available in your community.
- ▶ Each case before the court has a title, called a **Style of Proceeding**. That is how the court identifies cases. You must put this same title on all documents relating to your motion. Only the name of the document changes. See the example on the next page.

Questions

If you have questions about court forms or court procedures, contact the court administrator at the Family Division office. You can find the court office addresses on page 14. You may also contact PLEIS-NB’s Family Law Information Line – 1-888-236-2444 for general information about court procedures.

The court administrator and PLEIS-NB staff cannot give you legal advice or complete your forms for you.

If you have a question which the administrator or PLEIS-NB cannot answer, you will have to contact a lawyer.

Example of a Style of Proceeding

Court File Number: _____ **1**

IN THE COURT OF QUEEN'S BENCH OF NEW BRUNSWICK
FAMILY DIVISION
JUDICIAL DISTRICT OF _____ **2**

BETWEEN: _____ **3** APPLICANT

- and -

_____ **4** RESPONDENT

_____ **5**

(FORM __)

Notes:

- 1** The administrator gives you a court file number when you file your motion. Put this number on every document that you file for your motion.
- 2** Write the judicial district where you will file the documents. The judicial district must be one where either parent ordinarily resides. If there is a court hearing, it will be in this district. See page 14 for a list of judicial districts in New Brunswick.
- 3** Write the Applicant's name. The Applicant is the parent who files the Notice of Motion seeking a change in child support.
- 4** Write the other parent's full name here. He or she is the Respondent.
- 5** Write the name of the document and form number, if there is one. For example:
 - Affidavit
 - Financial Statement (Form 72J)
 - Index.

Step 2: Swear to the Affidavit and Financial Statement

You must swear, or solemnly affirm, that the contents of your affidavit and Financial Statement are true. For your affidavit and your Financial Statement (if you prepare one):

- ✓ Take them to a **Commissioner of Oaths**. A Commissioner of Oaths is a person with authority to witness a sworn statement.
- ✓ Show the Commissioner of Oaths the documents, including any other documents (called exhibits) that you are putting with them.
- ✓ Sign the documents in front of the Commissioner of Oaths and swear that the information in them is true.
- ✓ The Commissioner of Oaths signs the documents after watching you sign them.
- ✓ If you made any corrections, the Commissioner of Oaths must initial the corrections.
- ✓ The Commissioner of Oaths will also initial any exhibits.

To find a Commissioner of Oaths:

- ☐ In New Brunswick all lawyers are Commissioners of Oaths. Look under “Lawyers” in the Yellow Pages. You can telephone the Commissioner of Oaths to find out if there is a fee.
- ☐ Note: the Commissioner of Oaths will only take your oath; he or she will not review your forms or give you legal advice.

Step 3: File Your Documents at the Court Office

Put together a package of

- all the documents that you prepared in Step 2, held together with a paper clip
- three sets of photocopies of all the documents, held together with a paper clip
- a covering letter (see Example 4)
- a self-addressed envelope, legal-size (8 1/2" x 14")

- ▶ Mail or hand deliver this package to the court office. This must be the court office in the judicial district where you or the other parent lives and where you would like the court hearing to be. See the list of court addresses and judicial districts on page 14.
- ▶ The staff will set a date for the hearing and write it on the first page of the Notice of Motion. They will stamp and return the original documents to you and keep (file) the set of copies.

Now you have the original Notice of Motion with the hearing date and court file number written on it.

Step 4: Arrange Service on the Other Parent

Once you have a date for the hearing, you must arrange for someone to serve the documents on the other parent. You must make sure that the other parent receives the documents, but you cannot deliver the documents yourself. Someone else, called the server, must do it.

You must serve the Notice of Motion at least 25 days before the hearing. If this is impossible you may be able to serve the documents later. See a lawyer.

Prepare the Affidavit of Service

An Affidavit of Service is the sworn statement of the person who serves the documents. It is your proof that the other parent received the documents. If you hire a process server, he or she will look after the Affidavit of Service. However if you ask a friend to be the server, you must prepare an Affidavit of Service. See Examples 5 and 6. Leave blanks for the server to fill in later.

Prepare the documents from Step 1 to be served on the other parent.

- ☐ Write “A” on the top of your original Notice of Motion.
- ☐ Photocopy all the original documents. (Also make an extra set to keep yourself.) Hold each set together with a paper clip.
- ☐ Give the original and one set of copies to the server, along with the Affidavit of Service.
- ☐ Tell the server where to find the other parent, such as their home or work address.

Methods of service

The *Rules of Court* permit several methods of serving a Notice of Motion. However, it is important to be able to prove that the other parent actually received the Notice of Motion and your other documents in time. Arranging for **personal service** is the best way to do this.

Method 1: Personal service

With this method of service, the server hand-delivers the documents. You can hire someone to do it such as the Sheriff’s Office, or look in the Yellow Pages under “process servers”. Or you can ask a friend or relative to do it.

For personal service, the server must find the other parent and then:

- ☐ If your server does not know the other parent well enough to be certain, the server should ask whether he or she is _____ (name) and ask for a piece of identification, such as a Social Insurance Number or driver’s license.
- ☐ Write down the kind of identification and its number on the affidavit of service.
- ☐ Keep the original document and leave the copies of the Notice of Motion and the other documents with the other parent.

Service on Lawyers

If the other parent has hired a lawyer for this case or has authorized a lawyer to accept service, you can serve that person by leaving a copy of the documents with the lawyer. The lawyer accepts the service by signing and putting the date on the original.

After serving the documents, the server must:

- ☐ Prepare an Affidavit of Service (Form 18B – see www.familylawnb.ca), unless it was served on a lawyer.
- ☐ Take the Affidavit of Service to a Commissioner of Oaths and sign it.
- ☐ Give the original documents and the Affidavit of Service back to you.

Method 2: Service by registered mail or courier

You can also use a courier or the registered mail service of the post office to serve the documents. You will need to have an **Acknowledgement of Receipt Card** (Form 18A) for your spouse to sign and send back to you. See Example 7. You can get this form from the **Family Law NB** website at www.familylawnb.ca or obtain a hardcopy from a SNB office. Send the Acknowledgment of Receipt Card with the rest of the documents. You may want to include a self-addressed stamped envelope for your spouse to mail the Acknowledgment of Receipt Card back to you.

For service by courier or registered mail, you must:

- ☐ Keep the original documents.
- ☐ Send the set of photocopies to the other parent.
- ☐ Write “**Personal and Confidential**” on the envelope. Only the other parent should sign for it. There can be problems with service by registered mail if someone other than the intended person signs the receipt card. In this case it may be necessary to serve the documents again or serve the documents personally.

After serving the documents by registered mail or courier, you must:

- ☐ Prepare an Affidavit of Service (Form 18B), unless it was served on a lawyer.
- ☐ Take the Affidavit of Service to a Commissioner of Oaths and sign it. Be sure to attach the Acknowledgment of Receipt Card or post office receipt.

Call the court office in your judicial district to ask whether you must take or send the Affidavit of Service to the court office 5 days before the hearing date.

Step 5: File the Record on Motion

☐ Wait for the respondent to serve documents on you.

▷ You must wait to file the **Record on Motion** until

- you receive the other parent's Financial Statement, income information and responding document (a "responding document" is an affidavit that is prepared and filed with the court by the person served with the Notice of Motion. It tells the court how that parent disagrees with the motion), or
- you receive the Financial Statement and income information, and 20 days has passed since the other parent received the Notice of Motion, or
- you receive a Responding Document, and no income information is required from the other parent, or
- 20 days has passed since the other parent received the Notice of Motion.

▷ The other parent may serve a Responding Document and affidavit(s) within 20 days.

▷ If the respondent serves a Responding Document, you may be required to provide a Financial Statement and income information even though you did not provide the information with your Notice of Motion. File them with the court administrator and arrange service on the other parent at least 3 days before the hearing.

☐ Prepare a "Record on Motion" – see www.familylawnb.ca. Include:

- a **cover page**. Example 8 is a cover page.
- an **index**. List all the documents in the record. Number the pages and show the document numbers and page numbers in the index. Example 9 is an index.
- the original **Notice of Motion**.
- your original **affidavit(s) and the other parent's affidavit(s)** for the motion.
- your original **Financial Statement and income information and the other parent's Financial Statement and income information**.
- the **affidavit of service**.
- any other materials to be used for the hearing.

☐ Put the documents together in the same order as the list in your index. Hold them together with a paper clip.

☐ File the Record on Motion by taking or sending it to the court office where you filed the Notice of Motion. Make sure it arrives at least 48 hours before the date of the hearing. Do not include Saturdays, Sundays or legal holidays in counting the 48 hours.

The other parent must serve a Financial Statement and income information on you within 20 days of receiving the Notice of Motion if that parent

- is the support payer *or*
- receives child support and there are special expenses, a child over the age of majority, split or shared custody, or an undue hardship claim.

If the other parent is required to give you a Financial Statement but does not, you can ask the court to

- proceed without the respondent's information *or*
- order the respondent to provide the information.

Call the court office at Family Division.

Part II: Replying to a Notice of Motion

Part II is for a parent who receives a Notice of Motion - the “**respondent**”. You will probably be required to file financial information. You may also want to respond to the Notice of Motion. If you are a respondent, you should review this section carefully.

If you receive a Notice of Motion, you are the respondent

- Read the Notice carefully.
- You can hire a lawyer to advise you about your rights, obligations and options.
- If you cannot afford a lawyer, you may decide to use this guide.

If the motion is to reduce support, you may be eligible for legal aid.

Step 1: Prepare the following documents

- ☐ **Financial Statement (Form 72J) and Income Information** If your income information is required, you must file a Financial Statement and income information with the court even if you are not going to oppose the motion. Available on **Family Law NB** website (www.familylawnb.ca).
- ☐ **Affidavit of Service** (Form 18B). See page 25.

If you decide to oppose the motion, also prepare your

- ☐ **Responding Document.** On the Responding Document, you tell the court why you disagree with what the other parent is requesting and what you are requesting. You also put your address, language (English or French) and telephone number. See Example 10.
- ☐ **Affidavit.** Prepare an affidavit to go with your Responding Document.

Step 2: Swear to the Financial Statement (and affidavit if doing one)

See page 7.

Step 3: File the documents

Within 20 days of being served with the Notice of Motion, you must file the following documents (originals and three copies of each) with the administrator of the court where the motion was filed:

- ☐ Financial Statement and income information.
- ☐ any affidavit.
- ☐ your Responding Document if you are contesting the motion.

Step 4: Arrange service

You must also serve on the other parent within 20 days of receiving the Notice of Motion the same documents listed in Step 3 (File the documents).

Part III: Preparing For the Court Hearing

Both parents, the **applicant** and the **respondent**, will probably have to appear in court for the hearing on the motion. Part III provides information for parents to prepare for a court hearing.

Step 1: Find out if there will be a hearing

The court has a choice of:

- holding a hearing for your motion or
- making a decision based on the court documents and the evidence in the affidavits alone.

The court can hold the hearing by conference telephone if you and the other parent agree or if the court directs.

Make sure the information in your affidavit is complete because there may not be a hearing.

After you file and serve the Notice of Motion, ask at the court office if there will be a hearing.

Step 2: Gather any documents

Before the hearing, gather any documents that you expect to use as evidence in addition to affidavits, Financial Statements and income information. If possible, get the original documents. You should send copies of the documents to the other parent before the hearing.

Step 3: Organize your evidence and arguments

- **Think carefully** about how you will organize and present your case.
- **Write notes** to help you remember what to say first, second and so on.
- **Practice** what you want to say, but do not memorize it.
- **Be ready** to answer questions from the judge or the other party.

Step 4: Go to the court hearing

Someone at the court may speak to you before you go into court to see if you are both there and ready to proceed. If the other parent is not there, you should say so.

- ▶ If the other parent received the Notice of Motion and you filed your Affidavit of Service, you can ask the judge to go ahead in his or her absence. If the hearing goes ahead, the court order will be enforceable against the other parent even though he or she was not there. It is also possible that the judge may postpone the hearing.

If you decide not to go ahead with the proceeding, you should contact the court office before the hearing.

Tips for the Hearing

- ▶ Bring a friend for moral support.
- ▶ Wear appropriate clothes. Respect the decorum of the court.
- ▶ Be early. Arrive at court about 15 minutes before court starts.
- ▶ A court official will ask everyone to stand up when the judge enters the courtroom. Remain standing until the judge sits down and the official tells you to sit.
- ▶ When it is your turn to speak, speak directly to the judge. Stand when you speak. Be respectful to the judge. You should address the judge as “Sir” or “Madam”.
- ▶ If someone asks you a question, you can take a moment to think before you answer. If you did not hear, or do not understand, say so. If you are not sure you should answer, ask the judge.
- ▶ Do not interrupt the judge or anyone else when they are speaking. Look at the person who is speaking or at the judge. Do not sigh loudly or shrug your shoulders in disbelief. If you disagree with someone, make a note of it. Then bring it up when it is your turn to speak.

Step 5: Getting a Court Order

The judge may tell you the decision at the end of the hearing. However, sometimes the judge may want time to think. If so, the judge will make a written decision after the hearing is over. The court administrator will send you a copy of the court order when the judge makes a decision.

The court can:

- order the change in child support to begin immediately or in the future
- make the change **retroactive**. (A retroactive change is a change that will start at a date in the past). If you are seeking a retroactive order then you should request this in the Notice of Motion and in the Affidavit so that the other party has notice. Ordinarily, retroactive orders do not go back more than one year.
- refuse to make the change.

Terms you should know...

Appeals

If you are unhappy with the order and if you believe the judge has made an error of law, you may be able to appeal the decision. If you are considering an appeal, you should immediately consult a lawyer. You have thirty days to start the appeal process after the decision.

Enforcement

The **Family Support Orders Service** helps enforce orders for child support. An order for support that a New Brunswick court makes is automatically filed with this service. For more information get the PLEIS pamphlets on **FSOS** and **Child Support**.

COURT OFFICE ADDRESSES AND JUDICIAL DISTRICTS

Bathurst

Court of Queen's Bench, Family Division
P.O. Box 5001, 254 St. Patrick Street
Bathurst NB E2A 3Z9
Court Office: 547-2150

Judicial District of Bathurst

Includes: Gloucester County

Campbellton

Court of Queen's Bench, Family Division
P.O. Box 5001, 157 Water Street, 2nd Floor, Room 202
Campbellton NB E3N 3H5
Court Office: 789-2364

Judicial District of Campbellton

Includes: Restigouche County

Edmundston

Court of Queen's Bench, Family Division
P.O. Box 5001, 121 Church Street
Edmundston NB E3V 1J9
Court Office: 735-2029

Judicial District of Edmundston

Includes: Madawaska County and
Drummond and Grand Falls

Fredericton

Court of Queen's Bench, Family Division
P.O. Box 6000, 427 Queen Street
Fredericton NB E3B 5H1
Court Office: 453-2015

Judicial District of Fredericton

Includes: York County, Sunbury County,
and Queens County

Miramichi

Court of Queen's Bench, Family Division
673 King George Highway Suite 109
Miramichi NB E1V 1N6
Court Office: 627-4023

Judicial District of Miramichi

Includes: Northumberland County

Moncton

Court of Queen's Bench, Family Division
P.O. Box 5001, 145 Assumption Blvd.
Moncton NB E1C 8R3
Court Office: 856-2304

Judicial District of Moncton

Includes: Albert County, Westmorland
County and Kent County

Saint John

Court of Queen's Bench, Family Division
P. O. Box 5001, 110 Charlotte Street
Saint John NB E2L 4Y9
Court Office: 658-2400

Judicial District of Saint John

Includes: Charlotte County, Saint John
County and Kings County

Woodstock

Court of Queen's Bench, Family Division
P.O. Box 5001, 689 Main Street
Woodstock NB E7M 5C6
Court Office: 325-4414

Judicial District of Woodstock

Includes: Carleton County, Victoria
County except Drummond and
Grand Falls (see Edmundston)

Part IV: Forms and Sample Documents

Where to Get Forms

In some judicial districts the court office can provide blank forms (\$1 each). Ask for the form by the form number. If the court in your district cannot provide a form, the staff will be able to tell you where to find forms. You can also copy the forms from volume 2 of the *Rules of Court*. There are copies of the *Rules of Court* at the university's law libraries and the Law Society of New Brunswick. Make sure that you get the most recent version of the form.

Perhaps the simplest way to obtain the forms you need is to go to the **Family Law NB** website at www.familylawnb.ca where you will find most family law forms. These forms even have explanatory notes to help you fill them in. You will also be able to look at examples of completed forms. You can complete your forms electronically and then print them off to file. If you can't print the forms, make a list of the ones that you may need and go to any **Service New Brunswick** Office to get them for a fee.

Examples of Court Documents

In the examples you will sometimes see information in **blue ink**. This colour indicates the information that applies to the people in the examples below. Fill in the correct information to reflect **your own situation**. Where the example calls for a signature and a printed name under a line, sign your own name and print your name below the line. As well, the numbered notes at the bottom of the page are for your information only. Do not reproduce them on the court documents.

The examples in this guide are only samples. When you fill the forms in, you will need to write the information appropriate to your circumstances. Depending on your circumstances, you may also need to provide other documents for your motion.

Form 72U must be submitted in bilingual format, but you may fill in the information in either English or French. You do not need to write on the English side only or the French side only. Write across the entire line where there is space.

Examples of Documents

Example 1	Notice of Motion under <i>Divorce Act</i> (Form 72U)
Example 2	Notice of Motion under <i>Family Services Act</i> (Form 72U)
Example 3	Affidavit
Example 4	Covering Letter for Documents
Example 5	Affidavit of Service (Personal Service)
Example 6	Affidavit of Service by Registered Mail
Example 7	Receipt Card (Form 18A)
Example 8	Cover Page for a Record on Motion
Example 9	Index for a Record on Motion
Example 10	Responding Document

Example 1. Notice of Motion under the *Divorce Act* (Form 72U)

Court File Number / N° du dossier: _____

In The Court of Queen's Bench of New Brunswick
Family Division
Judicial District of _____

Cour du Banc de la Reine du Nouveau-Brunswick
Division de la famille
Circonscription Judiciaire de Bathurst

Between: ¹

ENTRE:

Edith Arnold

APPLICANT

REQUÉRANT

-and- -

et-

Martin Arnold

RESPONDENT

INTIMÉ

NOTICE OF MOTION (FORM 72U)

AVIS DE MOTION (FORMULE 72U)

TO: ² Martin Arnold
427 Grove Street
Hometown, NB E2A 3N3

À:

The applicant will apply to the court at³ _____,
on the ____ day of ____ 20__, at ____ a.m. (or p.m.) for
the following order:

Le requérant demandera à la cour à _____, le
_____, 20__, à ____ h, l'ordonnance qui suit:

(Please check the appropriate box or boxes.)

(Veuillez cocher la ou les cases appropriées.)

1. Child support for the following children:

- ☐ interim order or
☒ variation (or rescission or suspension) of
attached order

1. Ordonnance alimentaire au profit des enfants suivants:

- ☐ ordonnance provisoire ou
☐ modification (ou abrogation ou suspension) de
l'ordonnance annexée

Name of child
Nom de l'enfant

Age
Âge

John

5

Sarah

8

Date of birth

Date de naissance

April 5, 2005

March 19, 2002

(If claiming special expense(s) please specify nature and
amount, where possible, of the expense(s) claimed and name
of child(ren) for which expense(s) is (are) are claimed.)

(Si vous demandez des dépenses spéciales, veuillez en préciser, si
possible, la nature et le montant et le nom de l'enfant pour qui
ces dépenses sont sollicitées.)

Nature of expense
Nature des dépenses

Amount claimed
Montant sollicité

Name of child
Nom de l'enfant

¹ See page 6 on how to fill in the Style of Proceeding.

² Fill in the other parent's full name and address.

³ Leave the spaces for the location and date blank. The court staff will fill them in.

(State the grounds to be argued including a reference to any statutory provision or rule to be relied on. If claiming an amount that is different from the table amount and is not an expense, please specify the amount. Please attach an affidavit specifying the reasons which you are relying for departure from the table amount.)⁴

(Indiquez les motifs à discuter, y compris les renvois à toute disposition législative ou à toute règle invoquée. Si vous demandez un montant qui diffère du montant figurant à la table, et qui n'est pas une dépense spéciale, veuillez en préciser le montant. Veuillez joindre un affidavit indiquant les raisons sur lesquelles vous vous appuyez pour demander un montant autre que celui qui apparaît à la table.)

An Order that the Divorce Judgment dated March 10, 2007 be varied to set support for the two children of the marriage in accordance with the applicable guidelines on the grounds that a change of circumstances as provided in the applicable guidelines has occurred since the granting of the Divorce Judgment.

Particulars of Previous Order

Date of previous order: March 10, 2007

Amount paid under previous order: \$500 per month

2. Custody of the following children:

- ☐ interim order or
☐ variation (or rescission or suspension) of attached order

Name of child
Nom de l'enfant

Age
Âge

Previous custody arrangement:

Date of previous order:

3. Other claim (Please specify. State the relief sought and the grounds to be argued, including a reference to any statutory provision to be relied on.)

Précisions sur l'ordonnance antérieure :

Date de l'ordonnance antérieure :

Montant payé en vertu de l'ordonnance antérieure :

2. Ordonnance de garde des enfants suivants:

- ☐ Ordonnance provisoire ou
☐ Modification (ou abrogation ou suspension) de l'ordonnance annexée

Date of birth
Date de naissance

Entente de garde antérieure :

Date de l'ordonnance antérieure :

3. Autre demande (Veuillez préciser. Indiquez les mesures de redressement sollicitées et les motifs à discuter, y compris les renvois à toute disposition législative invoquée.)

⁴ Special Expenses refers to childcare, medical care, educational costs, post-secondary education or extracurricular activities. You may want to consult a lawyer.

Upon the hearing of the motion, the following affidavits or other documentary evidence will be presented: *(list the documentary evidence to be used at the hearing of the motion)*

1. Affidavit of Edith Arnold, sworn to on June 5, 2009.
2. Financial Statement of Edith Arnold, sworn to on June 12, 2009.

You are advised that:

- a) you are entitled to issue documents and present evidence at the hearing in English or French or both;
- b) the applicant intends to proceed in the English language;
- c) if you intend to proceed in the other official language, an interpreter may be required and you must so advise the court administrator at least 7 days before the hearing.

DATED at Hometown this 15th day of June 2009.

Edith Arnold

Edith Arnold, Applicant / ~~Solicitor for applicant~~

Address

27 Grandview Street
Hometown, NB
E2F 5Y2

(Give the name, business address and telephone number of the solicitor. Give the name, address and telephone number of an applicant who has not retained a solicitor.)

À l'audition de la motion, les affidavits ou les autres preuves littérales suivants seront présentés: *(énumérez les preuves littérales qui seront utilisées lors de l'audition de la motion)*

Sachez que:

- a) vous avez le droit dans la présente audition, d'émettre des documents et de présenter votre preuve en français, en anglais ou dans les deux langues;
- b) le requérant a l'intention d'utiliser la langue _____;
- c) si vous avez l'intention d'utiliser l'autre langue officielle, les services d'un interprète pourront être requis et vous devrez en aviser l'administrateur de la cour au moins 7 jours avant l'audition.

FAIT à _____ le _____, 20____.

Requérant/Avocat du requérant

Adresse

(Donnez le nom, l'adresse professionnelle et le numéro de téléphone de l'avocat. Donnez le nom, l'adresse et le numéro de téléphone d'un requérant qui n'a pas retenu les services d'un avocat.)

Example 2. Notice of Motion under the *Family Services Act* (Form 72U)

Court File No. / N° du dossier : _____

In The Court of Queen's Bench of New Brunswick
Family Division
Judicial District of **Fredericton**

Cour du Banc de la Reine du Nouveau-Brunswick
Division de la famille
Circonscription Judiciaire de _____

Between:¹

ENTRE:

David Adams APPLICANT

REQUÉRANT

- and -

-et-

Suzanne Adams RESPONDENT

INTIMÉ

NOTICE OF MOTION (FORM 72U)

AVIS DE MOTION (FORMULE 72U)

TO:² **Suzanne Adams**
123 Main Street
Fredericton, NB E3C 5H2

À:

The applicant will apply to the court at³ _____, on
the ____ day of ____ 20__, at ____ a.m. (or p.m.) for the
following order:

Le requérant demandera à la cour à _____, le
_____, 20__, à ____ h, l'ordonnance qui suit:

(Please check the appropriate box or boxes.)

(Veuillez cocher la ou les cases appropriées.)

1. Child support for the following children:

- ☐ interim order or
☒ variation (or rescission or suspension) of attached order

1. Ordonnance alimentaire au profit des enfants suivants:

- ☐ ordonnance provisoire ou
☐ modification (ou abrogation ou suspension) de
l'ordonnance annexée

Name of child
Nom de l'enfant

Age
Âge

Date of birth
Date de naissance

Andrea

14

August 12, 1996

¹ See page 6 on how to fill in the Style of Proceeding.

² Fill in the other parent's full name and address.

³ Leave the spaces for the location and date blank. The court staff will fill them in.

(If claiming special expense(s) please specify nature and amount, where possible, of the expense(s) claimed and name of child(ren) for which expense(s) are claimed.)⁴

Nature of expense
Nature des dépenses

Amount claimed
Montant sollicité

Name of child
Nom de l'enfant

(State the grounds to be argued including a reference to any statutory provision or rule to be relied on. If claiming an amount that is different from the table amount and is not an expense, please specify the amount. Please attach an affidavit specifying the reasons which you are relying for departure from the table amount.)

(Si vous demandez des dépenses spéciales, veuillez en préciser, si possible, la nature et le montant et le nom de l'enfant pour qui ces dépenses sont sollicitées.)

(Indiquer les motifs à discuter, y compris les renvois à toute disposition législative ou à toute règle invoquée. Si vous demandez un montant qui diffère du montant figurant à la table, et qui n'est pas une dépense spéciale, veuillez en préciser le montant. Veuillez joindre un affidavit indiquant les raisons sur lesquelles vous vous appuyez pour demander un montant autre que celui qui apparaît à la table.)

An Order that the Order dated October 24, 2006 be varied to cancel arrears in the amount of \$1200 on the grounds that a change of circumstances as provided for in the regulations respecting orders for child support has occurred since the making of the Order.

Particulars of Previous Order:

Date of previous order **October 24, 2006**

Amount paid under previous order **\$ 240 per month**

Précisions sur l'ordonnance antérieure :

Date de l'ordonnance antérieure _____

Montant payé en vertu de l'ordonnance antérieure _____

2. Custody of the following children:

- ☐ interim order or
☐ variation (or rescission or suspension) of attached order

Name of child
Nom de l'enfant

Age
Âge

2. Ordonnance de garde des enfants suivants:

- ☐ Ordonnance provisoire ou
☐ Modification (ou abrogation ou suspension) de l'ordonnance annexée

Date of birth
Date de naissance

Previous custody arrangement:

Date of previous order:

3. Other claim (Please specify. State the relief sought and the grounds to be argued, including a reference to any statutory provision to be relied on.)

Entente de garde antérieure :

Date de l'ordonnance antérieure :

3. Autre demande (Veuillez préciser. Indiquez les mesures de redressement sollicitées et les motifs à discuter, y compris les renvois à toute disposition législative invoquée.)

⁴ Special Expenses refers to childcare, medical care, educational costs, post-secondary education or extracurricular activities. You may want to consult a lawyer.

Upon the hearing of the motion, the following affidavits or other documentary evidence will be presented: *(list the documentary evidence to be used at the hearing of the motion)*

1. Affidavit of David Adams, sworn to on May 5, 2010.
2. Financial Statement of David Adams, sworn to on May 5, 2010.

You are advised that:

- a) you are entitled to issue documents and present evidence at the hearing in English or French or both;
- b) the applicant intends to proceed in the **English** language;
- c) if you intend to proceed in the other official language, an interpreter may be required and you must so advise the court administrator at least 7 days before the hearing.

DATED at **Hometown** this **14th** day of **May, 2010**

David Adams

David Adams, Applicant / ~~Solicitor for applicant~~
11 Elm Street,
Hometown, NB
E2F 1A0

*(Give the name, business address and telephone number of solicitor.
Give the name, address and telephone number of an applicant who
has not retained a solicitor.)*

À l'audition de la motion, les affidavits ou les autres preuves littérales suivants seront présentés: *(énumérez les preuves littérales qui seront utilisées lors de l'audition de la motion)*

Sachez que:

- a) vous avez le droit dans la présente audition, d'émettre des documents et de présenter votre preuve en français, en anglais ou dans les deux langues;
- b) le requérant a l'intention d'utiliser la langue _____;
- c) si vous avez l'intention d'utiliser l'autre langue officielle, les services d'un interprète pourront être requis et vous devrez en aviser l'administrateur de la cour au moins 7 jours avant l'audition.

FAIT à _____ le _____ 20____.

Requérant/Avocat du requérant

Adresse

(Donnez le nom, l'adresse professionnelle et le numéro de téléphone de l'avocat. Donnez le nom, l'adresse et le numéro de téléphone d'un requérant qui n'a pas retenu les services d'un avocat.)

Example 3: Affidavit

Court File Number XXXX-XXX

In The Court of Queen's Bench of New Brunswick
Family Division
Judicial District of Moncton

Between:¹

Jane Doe,

APPLICANT

- and -

Richard Smith,

RESPONDENT

AFFIDAVIT

I, Jane Doe of Hometown, in the County of Westmorland and Province of New Brunswick, make oath and say that:

1. I am the applicant in the Notice of Motion dated the 8th day of June, 2010 and the applicant named in the Notice of Application dated the 9th day of June, 2008.
2. Richard Smith is the respondent in the Notice of Motion dated the 8th day of June, 2010 and the respondent named in the Notice of Application dated the 9th day of June, 2008.
3. The respondent resides at 789 Queen Street in the town of Hometown in the province of New Brunswick. I know this address, as it is where I contact the respondent to discuss matters relating to the children.
4. The respondent Richard Smith and I were married on June 11, 1996.
5. The respondent moved out of the marital home on June 1, 2001 when we separated.
6. The respondent and I have two children, Paula Smith and Jack Smith.
7. Our daughter Paula Smith was born on March 15, 1999 and she is now 11 years old.
8. Our son Jack Smith was born on January 23, 2001 and he is now 9 years old.
9. The children live with me at 456 Main Street in the town of Hometown in the province of New Brunswick.
10. By an Order of Justice (judge's name) dated September 9, 2001, support for the two children was set at a total of \$420 per month to be paid by Richard Smith to Jane Doe. A copy of the order is attached to this affidavit as Exhibit A.²
11. The child support payments are not in arrears.
12. The respondent's yearly income when we separated was \$30,000.
13. I have been informed by Michael Kramer, contractor, of 231 Pleasant Plane in the city of Smalltown in the county of Westmorland and Province of New Brunswick that he has employed the respondent as a carpenter since October 13, 2008 at a yearly salary of \$42,000, and I believe the information of Mr. Kramer.

¹ See page 6 on how to fill in the Style of Proceeding.

² Attach the original Order to this Affidavit. Write "A" on the Order. The Commissioner of Oaths should initial beside the "A".

14. The respondent and I have been unable to reach an agreement to change the amount of child support.
15. I make this affidavit in support of a motion to vary the Order of Justice (judge's name) to set child support according to the provisions of the *Child Support Guidelines Regulation - Family Services Act*.
16. I confirm that all of the information in the Notice of Motion is correct. I read the Notice of Application when I signed it and I have just reread it. I confirm that all of the information in the Notice of Application is correct.

SWORN before me at
Fredericton, in the County of York ,
in the Province of New Brunswick,
this 8th day of June, 2010.

Commissioner of Oaths³

Being a solicitor or
My appointment expires
(Month. . . . Day. . . Year)

Jane Doe

³Print the name of the Commissioner of Oaths under the line.

Example 4: Covering Letter for Documents

456 Main St.
Hometown, NB
E3A 1Z1

June 30, 2010

Office of the Administrator
Court of Queen's Bench, Family Division
Justice Building, Queen Street
P. O. Box 6000
Fredericton, NB
E3B 5H1

Dear Sir or Madam:

You will find enclosed the following documents:

- Notice of Motion,
- Financial Statement and income information, and
- Affidavit with original order attached as Exhibit A.

Please file the documents and return my copy to me at the above address.

Yours truly,

Jane Doe

Jane Doe

Enclosures

Example 5: Affidavit of Service (Personal Service)

Court File Number XXXX-XXX

In The Court of Queen's Bench of New Brunswick
Family Division
Judicial District of Moncton

Between: ¹

Jane Doe

APPLICANT

- and -

Richard Smith

RESPONDENT

AFFIDAVIT OF SERVICE (FORM 18B)

I, [Kate Jones](#), of the City of [Moncton](#), in the County of [Westmorland](#), in the Province of New Brunswick, [teacher](#), MAKE OATH AND SAY AS FOLLOWS:

1. On the [15th](#) day of [June, 2010](#), I served the respondent with the attached document marked "A" by leaving a copy with him at [789 Queen Street, Hometown](#), New Brunswick.²
2. I was able to identify the person served by means of the fact that [I know him personally or the respondent admitted to being Richard Smith. The respondent showed me his New Brunswick driver's license in the name of Richard Smith, number 777777.](#)³

SWORN before me at [Moncton](#),
in the County of [Westmorland](#),
in the Province of New Brunswick,
this 16th day of June, 2010.

A Commissioner of Oaths⁴
Being a solicitor or
My appointment expires
(Month. . . . Day. . . Year)

[Kate Jones](#)

¹ See page 6 on how to fill in the Style of Proceeding.

² Attach the original Notice of Motion and the documents. Write "A" on the Notice of Motion. The Commissioner of Oaths should initial beside the "A".

³ The server must fill in the method of identification that he or she used.

⁴ Print the name of the Commissioner of Oaths under the line.

Example 6: Affidavit of Service (Registered Mail)

Court File Number XXXX-XXX

In The Court of Queen's Bench of New Brunswick
Family Division
Judicial District of Moncton

Between: ¹

Jane Doe,

APPLICANT

- and -

Richard Smith,

RESPONDENT

AFFIDAVIT OF SERVICE (FORM 18B)

I, **Kate Jones**, of the City of **Moncton**, in the County of **Westmorland**, in the Province of New Brunswick, **teacher**, MAKE OATH AND SAY AS FOLLOWS:

1. On the **15th** day of **June, 2010**, I served the respondent with the attached document marked "A" by sending a copy of the document **[together with the Acknowledgment of Receipt Card]**² by registered mail addressed to the respondent at **57 Lilac Street, Moncton**, New Brunswick, **his** last known address.
2. On the **25th** day of **June, 2010**, **[the attached Acknowledgement of Receipt Card or post office receipt]**³ marked "B" bearing a signature which appears to be the signature of the respondent was returned to and received by me.

SWORN before me at **Moncton**,
in the County of **Westmorland**,
in the Province of New Brunswick, this
26th day of **June, 2010**.

A Commissioner of Oaths⁴
Being a solicitor or
My appointment expires
(Month. . . . Day. . . Year)

Kate Jones

¹ See page 6 on how to fill in the Style of Proceeding.

² If you use an Acknowledgement of Receipt Card, add what is written in brackets.

³ Attach the original Notice of Motion and mark it "A". Also attach the respondent's acknowledgement of receipt card or post office receipt and mark it "B". The Commissioner of Oaths will initial beside the "A" and "B" on the attached documents.

⁴ Print the name of the Commissioner of Oaths under the line.

Example 7: Receipt Card (Form 18A)

Court File Number XXXX-XXX

In The Court of Queen's Bench of New Brunswick
Family Division
Judicial District of Moncton

Between: ¹

Jane Doe

APPLICANT

- and -

Richard Smith

RESPONDENT

ACKNOWLEDGEMENT OF RECEIPT CARD (FORM 18A)

TO: Richard Smith
789 Queen Street, Hometown, NB

You are served by mail with the documents enclosed with this card pursuant to the *Rules of Court*.

You MUST complete and sign the acknowledgement below and mail this card within 3 days of the date you receive it or you may have to pay the costs of the Sheriff or some other person serving you personally.

Acknowledgement of Receipt

I hereby acknowledge that on the 19th day of June, 2010, I received the following documents:

- a) copy of the Notice of Application together with attached documents.
- b) Financial Statement and income information.

Richard Smith

Richard Smith

¹ See page 6 on how to fill in the Style of Proceeding.

Example 8: Cover Page for a Record on Motion

Court File Number XXXX-XXX

In The Court of Queen's Bench of New Brunswick
Family Division
Judicial District of Moncton

Between:	Jane Doe,	APPLICANT
	- and -	
	Richard Smith,	RESPONDENT

RECORD ON MOTION

For presentation before the court on _____ 20__, at _____.

Applicant on Motion:

Jane Doe, Applicant
456 Main Street
Hometown, NB
E2A 1Z1
Telephone: 555-0000

Respondent to the Motion:

Richard Smith, Respondent
789 Queen Street
Hometown, NB
E2A 1Z2
Telephone: 555-1111

Example 9: Index for a Record on Motion

Court File Number XXXX-XXX

In The Court of Queen’s Bench of New Brunswick
Family Division
Judicial District of Moncton

Between: ¹	Jane Doe	APPLICANT
	- and -	
	Richard Smith	RESPONDENT

INDEX

	Page
1. Notice of Motion of Jane Doe	1
2. Affidavit of Jane Doe	4
3. Affidavit of Service of the Notice of Motion	6
4. Financial Statement and income information of Jane Doe	7
5. Responding Document of Richard Smith	20
6. Affidavit of Richard Smith	22
7. Financial Statement and income information of Richard Smith	24

¹ See page 6 on how to fill in the Style of Proceeding.

Example 10: Responding Document

Court File Number XXXX-XXX

In The Court of Queen's Bench of New Brunswick
Family Division
Judicial District of Saint John¹

Between:	John Doe	APPLICANT
	- and -	
	Jane Roe	RESPONDENT

RESPONDING DOCUMENT

I, Jane Roe of Saint John, in the County of Saint John and the Province of New Brunswick, make oath and say that:²

1. I am the respondent in the Notice of Motion dated the 2nd day of September, 2010 wherein John Doe is the Applicant.
2. I intend to proceed in the English language.
3. The respondent and I have 2 children, James (born January 1, 2004) and Janet (born July 5th 2007)
4. An order for child support was made on July 10th, 2008 by Justice (judge's name) in the amount of \$355 per month for the support of the two children.
5. I do not oppose the Applicant's request for an adjustment in the table amount of child support.
6. I request an order that the Applicant be ordered to pay 50% of the cost of daycare for our 3-year old child Janet. At the time of the original order, there were no daycare costs as my mother looked after Janet. My mother has since moved to Halifax. Janet's daycare costs \$500 per month.³

Sworn before me at _____
in the County of _____
in the Province of New Brunswick
this ____ day of _____, 20____.

Commissioner of Oaths

Jane Roe

Address for service:
123 Any Street. Saint John, NB E1E 10H

Where the Respondent seeks support, this form shall be accompanied by a Financial Statement in Form 72J and any income information required by the regulations respecting orders for child support under the *Family Services Act*.

¹ See page 6 on how to fill in the Style of Proceeding.

² Give the reasons why the court should refuse the motion.

³ If you are asking the court to do anything in addition to refusing the motion, write what you would like the court to order, for example, change support to the table amount, cancel arrears or order payment of arrears.