

# *The Family Maintenance Regulations, 1998*

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Chapter F-6.2 Reg 1 (effective March 1, 1998) as amended by  
Saskatchewan Regulations [19/2018](#).

**NOTE:**

This consolidation is not official. Amendments have been incorporated for convenience of reference and the original statutes and regulations should be consulted for all purposes of interpretation and application of the law. In order to preserve the integrity of the original statutes and regulations, errors that may have appeared are reproduced in this consolidation.

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**CHAPTER F-6.2 REG 1**  
*The Family Maintenance Act, 1997*

PART 1  
**Preliminary Matters**

**Title**

**1** These regulations may be cited as *The Family Maintenance Regulations, 1998*.

**Interpretation**

**2** In these regulations:

“**Act**” means *The Family Maintenance Act, 1997*; («*Loi*»)

“**Child Support Guidelines**” means the *Federal Child Support Guidelines* established pursuant to section 26.1 of the *Divorce Act* (Canada); («*Lignes directrices sur les pensions alimentaires pour enfants*»)

“**clerk**” means a clerk of the Provincial Court appointed pursuant to *The Court Officials Act, 1984*; («*greffier*»)

“**court**” means, unless otherwise specified, the Provincial Court of Saskatchewan established pursuant to *The Provincial Court Act*; («*tribunal*»)

“**Form**” means the appropriate form prescribed in the Appendix; («*formule*»)

“**judge**” means a judge appointed pursuant to *The Provincial Court Act*; («*juge*»)

“**table**” means the applicable table, within the meaning of the *Child Support Guidelines*, set out in Schedule I to the *Child Support Guidelines*. («*table*»)

6 Mar 98 cF-6.1 Reg 1 s2; 23 Mar 2018 SR  
19/2018 s4.

**Guidelines adopted**

**3(1)** The *Child Support Guidelines*, as amended from time to time, are adopted for the purposes of maintenance orders pursuant to section 3 or 4 of the Act and the recalculation of eligible child support orders pursuant to Part 3 of these regulations.

**(2)** In applying the *Child Support Guidelines* for the purposes of the Act and these regulations:

(a) a reference to “spouse” in the *Child Support Guidelines* is to be read as a reference to parent as defined in section 2 or 4 of the Act, or to another person bringing an application in accordance with section 12 of the Act, as the case may require; and

(b) a reference to “child of the marriage” in clauses 10(2)(d) and 19(1)(a) of the *Child Support Guidelines* is to be read as “child of the parents”.

23 Mar 2018 SR 19/2018 s5.

**PART 2**  
**Forms, Notices and Procedures – General**

**Forms**

- 4** For the purposes of the Act and these regulations:
- (a) Form A is prescribed as the Notice of Application;
  - (b) Form B is prescribed as the Notice to Appear;
  - (c) Form C is prescribed as the Answer/Counterclaim;
  - (d) Form D is prescribed as the Financial Statement;
  - (e) Form E is prescribed as the Waiver of Financial Statements;
  - (f) Form F is prescribed as the Affidavit of Personal Service;
  - (g) Form G is prescribed as the Certificate of Service;
  - (h) Form H is prescribed as the Affidavit of Service by Registered or Certified Mail;
  - (i) Form I is prescribed as the Affidavit of Service by Fax;
  - (j) Form J is prescribed as the Subpoena;
  - (k) Form K is prescribed as the Notice of Application for Variation;
  - (l) Form L is prescribed as the Order.

6 Mar 98 cF-6.1 Reg 1 s4.

**Preparation of Notice to Appear**

- 5(1)** A claimant may apply to a clerk for a Notice to Appear by filing a Notice of Application, as prescribed in Form A.
- (2) Where an application pursuant to section 43 of *The Children's Law Act, 1997* is joined with an application pursuant to this Act, a copy of the birth registration must be filed with the Notice of Application.
- (3) On receipt of a Notice of Application, the clerk shall issue a Notice to Appear, as prescribed in Form B, returnable at the time and place requested by the claimant.

6 Mar 98 cF-6.1 Reg 1 s5.

**Time limits for service**

- 6(1)** A Notice to Appear shall be served at least seven days before the date of the hearing indicated on the Notice to Appear.
- (2) At least three days before the date of the hearing indicated on the Notice to Appear, the claimant shall file with the court proof of service of the Notice to Appear and Financial Statement on the respondent.

6 Mar 98 cF-6.1 Reg 1 s6.

**Raising of issues**

7 Unless the court determines otherwise, a Notice of Application has the effect of raising all issues concerning or in any way relating to the matters for which relief is requested in the Notice of Application, whether or not those issues are specifically mentioned in the Notice of Application.

6 Mar 98 cF-6.1 Reg 1 s7.

**Answer or Counterclaim**

8(1) A respondent may serve on the claimant an Answer/Counterclaim, as prescribed in Form C, if the respondent:

- (a) has been served with a Notice to Appear; and
  - (b) wishes to dispute the claims described in the Notice to Appear or claims any relief against the claimant, other than dismissal of the application with or without costs.
- (2) A respondent who serves an Answer/Counterclaim on the claimant shall file with the court a copy of the Answer/Counterclaim together with proof of service of the Answer/Counterclaim on the claimant.
- (3) On the date of the hearing indicated on the Notice to Appear, the judge may fix a date by which an Answer/Counterclaim must be served on the claimant and filed with the court.

6 Mar 98 cF-6.1 Reg 1 s8.

**Transfer of application to court**

9 Where an application pursuant to the Act is transferred from the Court of Queen's Bench to the Provincial Court of Saskatchewan:

- (a) the Petition filed in the transferring court is deemed to be the Notice of Application;
- (b) any Answer or Answer and Counter-Petition filed in the transferring court is deemed to be the Answer/Counterclaim;
- (c) the Financial Statement or Waiver of Financial Statements filed in the transferring court is deemed to be the Financial Statement or Waiver of Financial Statements; and
- (d) either the claimant or the respondent may apply to the court to have a Notice to Appear issued for service on the other party.

6 Mar 98 cF-6.1 Reg 1 s9.

**Financial Statements**

10(1) In this section, "**Financial Statement**" means the Financial Statement, as prescribed in Form D.

(2) Where a claimant claims maintenance pursuant to section 3 or 4 of the Act and is required by the *Child Support Guidelines* to provide income information to the court, the clerk shall not accept a Notice of Application for filing unless the Notice of Application is accompanied by Part I of the Financial Statement.

(3) Where a claimant claims maintenance pursuant to section 5 or clause 9(1)(f) of the Act, the clerk shall not accept a Notice of Application for filing unless the Notice of Application is accompanied by the Financial Statement.

(4) Whether or not a respondent intends to defend a claim pursuant to section 3 or 4 of the Act, the respondent shall serve on the claimant and file with the court Part I of the Financial Statement where the respondent is required by the *Child Support Guidelines* to provide income information to the court.

(5) Whether or not a respondent intends to defend a claim pursuant to section 5 or clause 9(1)(f) of the Act, the respondent shall serve on the claimant and file with the court the Financial Statement.

(6) The clerk shall not accept an Answer/Counterclaim to a claim pursuant to section 3 or 4 of the Act for filing unless it is accompanied by:

- (a) Part I of the Financial Statement prepared by the respondent; and
- (b) proof of service of the Answer/Counterclaim and Financial Statement on the claimant.

(7) The clerk shall not accept an Answer/Counterclaim to a claim pursuant to section 5 or clause 9(1)(f) of the Act for filing unless it is accompanied by:

- (a) the Financial Statement prepared by the respondent; and
- (b) proof of service of the Answer/Counterclaim and Financial Statement on the claimant.

(8) Notwithstanding subsections (3), (5) and (7), a Financial Statement is not required to be served on the opposite party or filed with the court where a Waiver of Financial Statements, as prescribed in Form E, has been filed with the court.

(9) A claimant or respondent to a claim pursuant to section 3 or 4 of the Act shall serve on the other party and file with the court Parts II and III of the Financial Statement where:

- (a) the *Child Support Guidelines* require the court to consider all or any of the following:
  - (i) the financial ability of the parents to pay maintenance;
  - (ii) the means of the parents;
  - (iii) the conditions, means, needs and other circumstances of the parents;
  - (iv) the standards of living of the parents; or
- (b) the court directs that they be filed.

**Subpoenas**

**11(1)** A judge or clerk may issue to a witness, including the claimant or respondent, a Subpoena, as prescribed in Form J.

(2) A Subpoena is to be served only in Saskatchewan.

(3) A person who is subpoenaed and is paid or offered the fee prescribed in section 13 shall attend at the time and place indicated in the Subpoena.

(4) A Subpoena issued pursuant to subsection (1) has the same force and effect as a Subpoena issued out of the Court of Queen's Bench, and any witness who does not attend in obedience to a Subpoena is liable in the same manner as if he or she disobeyed a Subpoena issued out of that court.

6 Mar 98 cF-6.1 Reg 1 s11.

**Service of Subpoena**

**12** A Subpoena may be served in accordance with section 23 of the Act by delivering a copy of the Subpoena, together with the fee prescribed in section 13, to the person named in the Subpoena.

6 Mar 98 cF-6.1 Reg 1 s12.

**Witness expenses**

**13** A witness who is served with a Subpoena is entitled to be paid the fees and expenses prescribed in Schedule IV "A" of *The Queen's Bench Rules*.

6 Mar 98 cF-6.1 Reg 1 s13.

**Proceedings**

**14(1)** All oral evidence given at the hearing is to be under oath.

(2) The persons giving oral evidence are subject to cross-examination and re-examination.

(3) The judge shall cause a recording to be made of all oral evidence given at the hearing.

6 Mar 98 cF-6.1 Reg 1 s14.

**Telephone evidence**

**15(1)** A judge may order that the oral evidence of any witness may be taken by telephone where:

(a) the parties consent; or

(b) in the opinion of the judge, it is necessary to ensure a fair hearing.

(2) Where taking evidence by telephone is or becomes unsatisfactory or the personal attendance of the witness is desirable, the judge may:

(a) refuse to hear or to continue hearing that evidence;

(b) receive or reject the evidence that has been heard; and

(c) make any order, including an order respecting costs, that the judge considers appropriate.

(3) Unless the judge orders otherwise, the party who intends to call a witness whose oral evidence is to be taken by telephone shall file with the court, before the trial, all written material to which the witness intends to refer.

(4) The party on whose behalf a witness is called shall pay all of the telephone charges of calling that witness.

6 Mar 98 cF-6.1 Reg 1 s15.

**Hearing and determination of cause**

16(1) Subject to subsections (2) and (3), every cause is to be heard:

- (a) on the hearing date indicated on the Notice to Appear; or
- (b) on the date to which the hearing is adjourned.

(2) A judge or clerk may adjourn a hearing from time to time or day to day as may be required.

(3) A judge may reserve judgment.

6 Mar 98 cF-6.1 Reg 1 s16.

**Proof of service**

17(1) Service may be proved:

(a) where a document is served by personal service, by:

- (i) the oral testimony of the person who served the document; or
- (ii) the filing of an Affidavit of Personal Service, as prescribed in Form F, of the person who served the document;

(b) where a document is served by a sheriff, sheriff's deputy or bailiff, by filing a copy of the document served endorsed with a Certificate of Service, as prescribed in Form G;

(c) where a document is served by registered or certified mail, by filing with the court an Affidavit of Service by Registered or Certified Mail, as prescribed in Form H;

(d) by filing with the court a copy of the document served endorsed with the acceptance of service by a lawyer pursuant to subsection 23(2) of the Act; or

(e) where a document is served by fax, by filing with the court an Affidavit of Service by Fax, as prescribed in Form I.

(2) Where a document is served by registered mail or certified mail, the post office acknowledgment of receipt card or proof of delivery card purporting to be signed by or on behalf of the addressee is admissible in evidence as proof, in the absence of evidence to the contrary, of service without proof of the signature of the person purporting to have signed it.

6 Mar 98 cF-6.1 Reg 1 s17.



**Deemed date of service**

**18(1)** Subject to subsection (2), a person is deemed to have been served with a document sent by registered mail or certified mail:

(a) on the delivery date shown on the signed post office acknowledgment of receipt card or proof of delivery card; or

(b) if the card mentioned in clause (a) is not dated, on the date the signed post office acknowledgment of receipt card or proof of delivery card is returned to the sender.

(2) Where a person to whom a document was mailed establishes that, through no fault of that person, the person did not receive the document or received the document at a date later than the deemed date of service, the judge may adjourn the hearing or make any other order he or she considers appropriate in the circumstances.

6 Mar 98 cF-6.1 Reg 1 s18.

**Deemed service**

**19(1)** A document is deemed to have been properly served when the person to be served takes any action or step to participate in the proceedings without being served.

(2) Notwithstanding that service of a document does not comply with the Act or these regulations, the court may order that a document is deemed to have been sufficiently served if, in the opinion of the court, the document came to the attention of the person to be served.

6 Mar 98 cF-6.1 Reg 1 s19.

**Form of Order**

**20** For the purposes of the Act, the Order, as prescribed in Form L, may be used as the form of order where an application pursuant to section 3 or 4 of the Act is granted.

6 Mar 98 cF-6.1 Reg 1 s20.

**Variation applications**

**21(1)** A claimant or respondent may commence a variation proceeding pursuant to section 10 of the Act by filing a Notice of Application for Variation, as prescribed in Form K.

(2) Certified copies of the original pleadings and all orders shall be filed with the Notice of Application for Variation.

(3) The provisions of these regulations and the forms, other than Form A, prescribed by these regulations and included in the Appendix apply to a variation proceeding, with any necessary modification.

6 Mar 98 cF-6.1 Reg 1 s21.

PART 3  
**Child Support Recalculation**

**Definitions for Part**

**21.1** In this Part:

**“applicant”** means the payor or recipient who applies for recalculation;  
 (« *auteur de la demande* »)

**“child support order”** means:

- (a) an order for maintenance of a child made pursuant to the Act;
- (b) a child support order made pursuant to the *Divorce Act* (Canada); or
- (c) an order for child support made pursuant to an enactment of another province or territory respecting family law if the order has been registered pursuant to *The Inter-jurisdictional Support Orders Act*;

but does not include a child support order that has no force or effect until it is confirmed by a court with jurisdiction to do so; (« *ordonnance d'entretien d'enfant* »)

**“court”** means:

- (a) the Provincial Court of Saskatchewan; or
- (b) the Family Law Division of the Court of Queen’s Bench; (« *tribunal* »)

**“Crown”** means the Crown in right of Saskatchewan and includes a ministry, agency, board or other body of the Government of Saskatchewan and a Crown corporation; (« *Couronne* »)

**“director”** means the Director of Maintenance Enforcement appointed pursuant to *The Enforcement of Maintenance Orders Act, 1997*; (« *directeur* »)

**“income information”** means:

- (a) a copy of the payor’s personal income tax return filed for the most recent taxation year;
- (b) a copy of every notice of assessment and reassessment issued to the payor for the most recent taxation year;
- (c) other information requested by or provided to the recalculation service for the purpose of determining the payor’s ownership of or involvement in any privately held corporation;
- (d) if the payor is employed, a copy of the most recent statement of earnings showing the total earnings paid in the year to date, including overtime, or the payor’s 3 most recent pay stubs; and
- (e) if the payor receives income from employment insurance, social assistance, a pension, workers’ compensation or a disability payment, a copy of the most recent statement of income indicating the total amount of income from the applicable source during the current year; (« *renseignements sur le revenu* »)

“**manager**” means the manager of the recalculation service designated pursuant to section 21.11; (« *gestionnaire* »)

“**minister**” means the member of the Executive Council to whom for the time being the administration of the Act is assigned; (« *ministre* »)

“**payor**” means a person who has an obligation to pay pursuant to a child support order; (« *payeur* »)

“**recalculated amount**” means the child support payable after recalculation; (« *aliments recalculés* »)

“**recalculation officer**” means an officer appointed pursuant to section 21.11 to recalculate the amount of child support payable under a child support order; (« *agent recalculateur* »)

“**recalculation service**” means the Saskatchewan Child Support Recalculation Service established pursuant to section 21.11; (« *service des recalculs* »)

“**recipient**” means a person in whose favour a child support order has been made or, if an assignment of rights is made pursuant to section 6 of *The Enforcement of Maintenance Orders Act, 1997*, the minister as defined in that Act to the extent of the assignment. (« *réceptionnaire* »)

23 Mar 2018 SR 19/2018 s7.

#### **Child support recalculation service established**

**21.11(1)** A child support recalculation service to be known as the Saskatchewan Child Support Recalculation Service is established.

(2) The minister may, by order, designate any individual as the manager of the recalculation service.

(3) The minister may appoint a recalculation officer as an officer of the court to recalculate the amount of child support payable under child support orders.

23 Mar 2018 SR 19/2018 s7.

#### **Inclusion of mandatory clause**

**21.12(1)** Subject to subsection (2), the court shall include the following clause in every child support order:

The amount of child support in this order may be recalculated by the Saskatchewan Child Support Recalculation Service if eligible for recalculation and if the recalculation service determines that recalculation is permissible and appropriate pursuant to *The Family Maintenance Act, 1997* and the regulations. Either party may apply to the recalculation service at:

Saskatchewan Child Support Recalculation Service  
Room 100, 3085 Albert Street  
Regina, SK

Should the payor fail to comply with the income disclosure requirements of the recalculation service, the payor’s income may be deemed to have increased as set out in section 21.33 of *The Family Maintenance Regulations, 1998*.

(2) If the court determines that recalculation of the amount of child support is inappropriate, the court shall include the following clause in the child support order:

The amount of child support in this order shall not be recalculated by the Saskatchewan Child Support Recalculation Service.

(3) If a child support order made after the day on which this section comes into force does not contain one of the clauses set out in subsections (1) and (2), the order is deemed to include the clause set out in subsection (1).

23 Mar 2018 SR 19/2018 s7.

**Orders directing recalculation by Director of Maintenance Enforcement**

**21.13** If the court orders the director to recalculate the amount of child support, the recalculation may be performed by the recalculation service if the child support order is otherwise eligible for recalculation in accordance with these regulations.

23 Mar 2018 SR 19/2018 s7.

**Application to recalculation service**

**21.14(1)** A payor or a recipient may apply to the recalculation service in a form provided by the manager for a recalculation of the amount of child support payable under the child support order.

(2) The form mentioned in subsection (1) must include the following information:

- (a) the applicant's own contact information;
- (b) any contact information known to the applicant respecting the other party;
- (c) the child's name and date of birth;
- (d) if the applicant is also the payor:
  - (i) the name and contact information of the payor's employer; and
  - (ii) income information;
- (e) the actual amount of child support paid by the payor to the recipient in the most recent tax year;
- (f) the current child support amount;
- (g) a copy of the current child support order;
- (h) the file number used by the Maintenance Enforcement Office within the meaning of *The Enforcement of Maintenance Orders Act, 1997*, if applicable;
- (i) any information required by the recalculation service for the purpose of determining whether the child support order is eligible for recalculation.

(3) A payor or a recipient may apply for recalculation no sooner than 12 months after the date of the original order or 12 months after the date of the last recalculation.

23 Mar 2018 SR 19/2018 s7.

**Decline to recalculate**

**21.15(1)** The recalculation service may decline an application for recalculation of the amount of child support payable under a child support order if:

- (a) the child support order is not eligible for recalculation in accordance with section 21.16;
  - (b) the recalculation service is aware that a date has been set for the court to hear an application respecting the amount of child support payable under the child support order; or
  - (c) in the opinion of the recalculation service, recalculation:
    - (i) may be impracticable or too complex for the recalculation service to perform; or
    - (ii) may, in the circumstances, produce an unjust result.
- (2) The recalculation service shall not recalculate the amount of child support under a child support order until the recalculation service is satisfied that both the payor and the recipient know of the application.
- (3) Nothing in a court order shall be construed so as to prevent the recalculation service from declining an application for recalculation in accordance with this section.
- (4) If the recalculation service declines an application for recalculation, it shall notify the applicant.

23 Mar 2018 SR 19/2018 s7.

**Eligibility for recalculation**

**21.16(1)** On receiving an application pursuant to section 21.14, the recalculation service may recalculate the amount of child support payable under the child support order.

- (2) A child support order is eligible for recalculation in accordance with subsection (1) if the child support order was made on or after May 1, 1997.
- (3) Notwithstanding subsection (1) and subsections 21.12(1) and (3), the child support order is not eligible for recalculation in accordance with subsection (1) if:
- (a) the child support order indicates that:
    - (i) the payor's income was imputed by the court;
    - (ii) the amount of child support payable under the child support order must not be recalculated by the recalculation service; or
    - (iii) the recalculation of the amount of child support payable under the child support order must be based on income information not included in the definition of "income information" in section 21.1;
  - (b) the amount of support was not determined based on the table;
  - (c) the child support is payable for a person over the age of 18 pursuant to section 4 of the Act;
  - (d) the order was made in relation to income over \$150,000;

- (e) the payor is a person described in clause (c) of the definition of “parent” in section 2 of the Act;
- (f) there is a shared custody arrangement in place;
- (g) only one parent resides in Saskatchewan, unless both parties agree to a recalculation of the amount of child support payable under the child support order; or
- (h) the applicant is the payor and indicates in the application that he or she is not receiving income from any source, unless the recipient agrees to a recalculation of the amount of child support payable under the child support order.

23 Mar 2018 SR 19/2018 s7.

**Notification of and response by other party**

**21.2(1)** If on application of the payor or the recipient, the child support order is eligible for recalculation, the recalculation service shall notify the other party.

(2) No later than 30 days after the recalculation service sends the notification mentioned in subsection (1), the responding party shall provide to the recalculation service the following information:

- (a) the responding party’s date of birth;
- (b) if the responding party is the payor:
  - (i) the name and contact information of his or her employer; and
  - (ii) his or her income information.

23 Mar 2018 SR 19/2018 s7.

**Notification by recalculation service**

**21.21** Any notice or information that the recalculation service is required to provide to a payor or a recipient may be provided:

- (a) personally;
- (b) by sending it by ordinary mail, in which case it is deemed to be served on the seventh day after the day on which it is mailed; or
- (c) by sending it by fax or email, in which case it is deemed to be served on the day on which it is sent.

23 Mar 2018 SR 19/2018 s7.

**Notification to recalculation service**

**21.22** Any notice or information that a payor or a recipient is required to provide to the recalculation service in writing may be provided:

- (a) personally;
- (b) by sending it by ordinary mail, in which case it is deemed to be served on the seventh day after the day on which it is mailed; or
- (c) by sending it by fax or email, in which case it is deemed to be served on the day on which it is sent.

23 Mar 2018 SR 19/2018 s7.

**Access to information**

**21.23(1)** The recalculation service may, in writing, request any person, including a payor, a recipient or any public body, including the Crown, to provide in writing any information in the possession or control of the person or public body about the payor or the recipient respecting:

- (a) the payor's or recipient's address or whereabouts;
- (b) the name and address of the payor's employer; and
- (c) income information.

(2) A request for information made by the recalculation service pursuant to subsection (1) may be served:

- (a) personally;
- (b) by sending it by ordinary mail, in which case it is deemed to be served on the seventh day after the day on which it is mailed; or
- (c) by sending it by fax or email, in which case it is deemed to be served on the day on which it is sent.

(3) Notwithstanding any provision in any Act or regulation, a person or any public body, including the Crown, served with a request from the recalculation service pursuant to subsection (1) shall provide the requested information within 21 days after service of the request.

(4) If the recalculation service does not receive information requested pursuant to subsection (1) within 21 days after service of the request, the recalculation service may take any action it considers advisable, including the following:

- (a) applying to the court for an order pursuant to subsection (5);
- (b) recalculating the amount of child support payable under a child support order on the basis of a payor's deemed income pursuant to section 21.33, if the payor has not provided the requested information.

(5) On an application by the recalculation service, the court may make an order, subject to any terms and conditions that the court considers advisable, compelling a person or any public body, including the Crown, to give the requested information to the recalculation service.

23 Mar 2018 SR 19/2018 s7.

**Recalculated amount**

**21.24** Subject to section 21.33, after receiving the necessary income information, the recalculation officer shall:

- (a) determine the income of the payor; and
- (b) recalculate the amount of child support payable in accordance with the table.

23 Mar 2018 SR 19/2018 s7.

**Recalculation decision**

**21.25(1)** If recalculation produces a change in the amount of child support payable under the child support order, the recalculation service shall provide the payor and the recipient with a recalculation decision that includes:

- (a) the recalculated amount, specifying the amount of child support determined in accordance with the table;
  - (b) the name and date of birth of each child with respect to whom the support is payable;
  - (c) the income of the payor used to determine the recalculated amount and the method by which that income was determined;
  - (d) the effective date of the recalculated amount and the date on which the first payment is due following the date of the recalculation decision; and
  - (e) the right of the payor or the recipient to apply to vary the recalculated amount in accordance with section 21.32.
- (2) If recalculation produces no change in the amount of child support payable under the child support order or a difference of less than \$10 per month, the recalculation service shall notify the payor and the recipient that there is no change in the amount of child support payable under the child support order.
- (3) The recalculation service may send to the director the recalculation decision pursuant to this section, whether or not it results in a change in the amount of child support payable under the child support order.
- (4) The recalculation decision pursuant to this section shall be filed with the court, whether or not it results in a change in the amount of child support payable under the child support order.

23 Mar 2018 SR 19/2018 s7.

**Correction**

**21.3(1)** If, after the recalculation service has recalculated the amount of child support payable under a child support order, the recalculation service discovers a mistake in the recalculation decision, including a clerical error, the recalculation service may:

- (a) correct the mistake and issue an amended recalculation decision; or
  - (b) if the decision should not have been issued, issue a notice that the decision has been revoked.
- (2) A recalculated amount that has been corrected pursuant to this section takes effect on the day on which the recalculated amount would have taken effect if there had been no mistake.



(3) An amended recalculation decision or a notice of revocation mentioned in subsection (1) must be sent to the payor and the recipient and filed with the court, and may be sent to the director in accordance with subsection 21.25(3).

(4) If the amended recalculation decision changes the amount of child support payable under the child support order, the payor and the recipient have the right to apply to vary the corrected recalculated amount in accordance with section 21.32.

23 Mar 2018 SR 19/2018 s7.

**Recalculation deemed to be part of order**

**21.31** Subject to subsection 25.1(5) of the *Divorce Act* (Canada), on the day on which the first payment of the recalculated amount is payable in accordance with section 21.25, the recalculated amount is deemed to be the amount of child support payable under a child support order.

23 Mar 2018 SR 19/2018 s7.

**Right to vary**

**21.32(1)** A payor or a recipient who does not agree with the recalculated amount may apply to the court within 30 days after receiving notification respecting the recalculated amount:

(a) to discharge, vary or suspend the child support order in accordance with section 10 of the Act; or

(b) to vary, rescind or suspend the child support order in accordance with the *Divorce Act* (Canada).

(2) An application pursuant to subsection (1) must:

(a) state that the person applying does not agree with the recalculated amount; and

(b) include a copy of the recalculation decision received pursuant to section 21.25 or the amended recalculation decision received pursuant to section 21.3, as applicable.

(3) At the time an application pursuant to subsection (1) is commenced, the person who commenced the application shall notify the recalculation service in writing and include:

(a) a copy of any document filed with the court to commence the application; and

(b) if a date has been set for the court to hear the application, the date, time and place of the hearing.

(4) If an application has been commenced pursuant to subsection (1), the operation of section 21.25 is suspended and the amount of child support payable under the child support order continues in effect as if the recalculation decision had not been made.

(5) If an application commenced pursuant to subsection (1) is withdrawn or is dismissed by the court, the recalculated amount is due in accordance with section 21.25 as if the application had not been commenced.

(6) For the purposes of this section, commencing an application includes complying with any mandatory prerequisites or requirements of the court with respect to the application.

23 Mar 2018 SR 19/2018 s7.

**Recalculation without updated income information**

**21.33(1)** If a payor fails to provide updated income information, the deemed income of the payor is the sum of:

(a) the payor's income used to determine the current amount of child support payable; and

(b) the amount equal to the product obtained by multiplying the payor's income described in clause (a) by the applicable percentage determined in accordance with subsection (2).

(2) The applicable percentage is to be determined based on the amount of time that has elapsed since the payor's income was last determined in accordance with clause (1)(a) as follows:

(a) if less than 2 years has elapsed, 10%;

(b) if 2 years or more but less than 5 years has elapsed, 15%;

(c) if 5 years or more but less than 10 years has elapsed, 20%;

(d) if 10 years or more has elapsed, 30%.

(3) With respect to a child support order made pursuant to the *Divorce Act* (Canada) before the day on which *The Family Maintenance Amendment Regulations, 2018* came into force, the manager may apply to the court, on the notice that the court directs, for an order respecting the determination of the payor's income for the purposes of recalculation if:

(a) the payor has failed to provide the recalculation service with income information as required pursuant to subsection 21.14(2) or 21.2(2); and

(b) no other person has provided income information relating to the payor to the manager or, if income information relating to the payor has been provided, the manager is not satisfied with the information.

23 Mar 2018 SR 19/2018 s7.

**Immunity**

**21.34** No action or proceeding lies or shall be commenced against the Crown, the minister, the manager, a recalculation officer, the recalculation service or any employee of the recalculation service where that person is acting pursuant to the authority of the Act or these regulations, for anything in good faith done, caused or permitted or authorized to be done, attempted to be done or omitted to be done by that person or by any of those persons pursuant to or in the exercise or supposed exercise of any power conferred by the Act or these regulations or in the carrying out or supposed carrying out of any order made pursuant to the Act or these regulations or any duty imposed by the Act or these regulations.

23 Mar 2018 SR 19/2018 s7.

**Use and disclosure of information**

**21.35(1)** Except in accordance with this section, no person shall disclose any information retained by the recalculation service.

(2) The manager may disclose information retained by the recalculation service to the extent necessary for the purpose of administering the recalculation service.

(3) The manager may obtain information respecting a payor or a recipient from the director or from a designated authority in Saskatchewan pursuant to *The Inter-jurisdictional Support Orders Act* for the purpose of recalculation and may rely on that information without further verification.

(4) The manager may disclose information retained by the recalculation service respecting a payor or a recipient to the director for the purposes of *The Enforcement of Maintenance Orders Act, 1997*.

(5) The manager may disclose information and documents retained by the recalculation service about a payor to a recipient, or about a recipient to a payor, without the consent of the payor or recipient whose information and documents are being disclosed, if the information or document:

- (a) is used in making a decision to decline to recalculate the amount of child support payable under a child support order;
- (b) may be relevant to an application to vary pursuant to section 21.32; or
- (c) has been filed for use in a court proceeding in Saskatchewan or is otherwise available to the public.

(6) The manager may disclose information retained by the recalculation service with respect to a recipient or a payor:

- (a) to a peace officer at his or her request, if the manager is satisfied that the request is reasonable;
- (b) to the minister at his or her request;
- (c) to persons acting on the manager's instructions with respect to the recalculation of the amount of child support payable under a child support order; or
- (d) as a component of general statistical data prepared by the manager for any purpose.

(7) The manager may disclose information retained by the recalculation service to a member of the Legislative Assembly or a Member of Parliament with respect to:

(a) a recipient, if the manager is satisfied that the recipient has made an inquiry to the member of the Legislative Assembly or the Member of Parliament; or

(b) a payor if the manager is satisfied that the payor has made an inquiry to the member of the Legislative Assembly or the Member of Parliament.

(8) Notwithstanding subsections (6) and (7), the manager shall not disclose any information obtained from the Government of Canada except in accordance with the provisions of the agreement between the Government of Saskatchewan and the Government of Canada respecting its disclosure.

23 Mar 2018 SR 19/2018 s7.

**Prospective recalculation**

**21.36** Subject to subsection 21.3(2), amounts recalculated by the recalculation service are payable on a prospective basis only, and no consideration shall be given to any amount that may be owing to any party for the support of the child at the time of the recalculation.

23 Mar 2018 SR 19/2018 s7.

PART 4

**Repeal and Coming into Force**

**R.R.S. c.F-6.1 Reg 2 repealed**

**22** *The Family Maintenance Regulations* are repealed.

6 Mar 98 cF-6.1 Reg 1 s22.

**Coming into force**

**23(1)** Subject to subsection (2), these regulations come into force on the day on which section 1 of *The Family Maintenance Act, 1997* comes into force.

(2) If these regulations are filed with the Registrar of Regulations after the day on which section 1 of *The Family Maintenance Act, 1997* comes into force, these regulations come into force on the day on which they are filed with the Registrar of Regulations.

6 Mar 98 cF-6.1 Reg 1 s23.

**Appendix**

FORM A

[Clause 4(a)]

IN THE PROVINCIAL COURT  
OF SASKATCHEWAN

BETWEEN:

CLAIMANT

AND

RESPONDENT

**Notice of Application**

TO THIS HONOURABLE COURT:

CLAIM

1. I/We ask this Honourable Court for the following relief: *(leave blank any parts of this form that are not applicable to your claim)*

\_\_\_\_\_ An Order for maintenance for a child or a person mentioned in section 4 of *The Family Maintenance Act, 1997* in accordance with the table;

\_\_\_\_\_ An Order for special or extraordinary expenses, as described in the *Child Support Guidelines*, for a child or a person mentioned in section 4 of *The Family Maintenance Act, 1997* respecting the following expenses and in the following amounts: \_\_\_\_\_ ;

\_\_\_\_\_ An Order for maintenance for a child or a person mentioned in section 4 of *The Family Maintenance Act, 1997* not in accordance with the table, in the amount of \$ \_\_\_\_\_ per \_\_\_\_\_ (*week, month, etc., either for an indefinite or limited period, or until a specified event occurs, or a lump sum*) because:

\_\_\_\_\_ maintenance is sought for a son or daughter over the age of 18 years and the amount in accordance with the table would be inappropriate;

\_\_\_\_\_ an order for child maintenance in an amount in accordance with the table would cause undue hardship, as described in the *Child Support Guidelines*;

\_\_\_\_\_ an order for child maintenance in an amount in accordance with the table would be inequitable given special provisions that have been made for the benefit of the child;

\_\_\_\_\_ the claimant/respondent exercises a right of access to, or has physical custody of, the child/person for not less than 40% of the time over the course of a year;

\_\_\_\_\_ the income of the respondent is less than the minimum income incorporated in the table;

\_\_\_\_\_ other: (*specify*) \_\_\_\_\_ ;

\_\_\_\_\_ An order imputing income to the respondent in accordance with section 19 of the *Child Support Guidelines*, in the following amount and for the following reasons: \_\_\_\_\_

\_\_\_\_\_ An order for spousal maintenance in the amount of \$ \_\_\_\_\_ per \_\_\_\_\_ (week, month, etc., either for an indefinite or limited period, or until a \_\_\_\_\_ specified event occurs, or a lump sum);

\_\_\_\_\_ An order that maintenance be paid for a specified period before the date of the order as follows:

<u>Amount</u>	<u>Name of Dependant</u>	<u>Time Period</u>
\$ _____ per _____	_____	_____
\$ _____ per _____	_____	_____
\$ _____ per _____	_____	_____
\$ _____ per _____	_____	_____

\_\_\_\_\_ An order that the respondent designate his or her dependant, \_\_\_\_\_, as beneficiary of the respondent's life insurance policy either:

- \_\_\_\_\_ irrevocably; or
- \_\_\_\_\_ until \_\_\_\_\_,   
 (a specific date)

and that the respondent pay all premiums on that life insurance policy;

\_\_\_\_\_ An order that the respondent, who has an interest in a pension plan or other benefit plan, designate his or her dependant, \_\_\_\_\_, as a beneficiary under the plan: \_\_\_\_\_;   
 (describe plan)

\_\_\_\_\_ Where this application requests maintenance for a child, an order that the father pay in addition:

- \_\_\_\_\_ (a) expenses of the mother of the child with respect to prenatal care and birth of the child, in the amount of \$ \_\_\_\_\_;
- \_\_\_\_\_ (b) maintenance for the mother of the child in the amount of \$ \_\_\_\_\_ per \_\_\_\_\_ for \_\_\_\_\_;   
 (a period not exceeding three months immediately preceding the birth of the child)
- \_\_\_\_\_ (c) maintenance for the mother of the child in the amount of \$ \_\_\_\_\_ per \_\_\_\_\_ for \_\_\_\_\_;   
 (period after the birth of the child, not exceeding six months)

\_\_\_\_\_ Costs of the Application;

\_\_\_\_\_ That payment pursuant to the order be secured as follows: \_\_\_\_\_

SUMMARY OF FACTS

2. Where the application is for child maintenance:

\_\_\_\_\_ I claim maintenance for the following child(ren):

<u>Name</u>	<u>Date of Birth</u>
_____	_____
_____	_____
_____	_____

\_\_\_\_\_ The nature of my relationship to and interest in the above child(ren) is as follows: \_\_\_\_\_

\_\_\_\_\_ The respondent is a parent of the above child(ren) based on the following grounds: *(refer to specific sections of The Family Maintenance Act, 1997)*

\_\_\_\_\_ As mother of the above child(ren), I claim maintenance and/or expenses for myself, based on clause 9(1)(f) of *The Family Maintenance Act, 1997*.

3. Where the application is for maintenance for a person described in section 4 of *The Family Maintenance Act, 1997*:

\_\_\_\_\_ I claim maintenance for the following person(s) described in section 4 of *The Family Maintenance Act, 1997*:

<u>Name</u>	<u>Date of Birth</u>
_____	_____
_____	_____
_____	_____

4. Where the application is for spousal maintenance:

\_\_\_\_\_ The respondent is the claimant's spouse based on the following grounds: *(refer to specific sections of The Family Maintenance Act, 1997)*

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

- 5. The Financial Statement of the claimant is attached to this Notice. *(A Financial Statement need not be filed if maintenance is sought only for a spouse and the parties consent to waive this requirement, in which case the Waiver of Financial Statements must be signed by you and your spouse and filed with the court. If an application is made for maintenance pursuant to section 3 or 4 of The Family Maintenance Act, 1997, the Child Support Guidelines require the following information to be filed:*

*Part I of the Financial Statement: by the respondent on all applications; by the claimant on all applications where the claimant's income information is required by the court.*

*Parts II and III of the Financial Statement: by the claimant and respondent in all applications where undue hardship or other exceptions to the table are claimed.)*

- \_\_\_\_\_ Financial Statement
- \_\_\_\_\_ Waiver of Financial Statements
- \_\_\_\_\_ Maintenance for a child or a person mentioned in section 4 of *The Family Maintenance Act, 1997* is sought in accordance with the table.

- 6. Where the application is for maintenance for a child or a person mentioned in section 4 of *The Family Maintenance Act, 1997*:

- \_\_\_\_\_ I estimate the respondent's annual income to be \$ \_\_\_\_\_ ;
- \_\_\_\_\_ the respondent's province of residence is \_\_\_\_\_ ;
- \_\_\_\_\_ additional income should be imputed to the respondent pursuant to section 19 of the *Child Support Guidelines* for the following reasons:

\_\_\_\_\_ .

**MEDIATION**

- 7. The mediation facilities used to negotiate maintenance issues in dispute in this matter are as follows:

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

**MAINTENANCE AGREEMENTS**

- 8. The details of any written or oral maintenance agreements between the parties are: \_\_\_\_\_

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

*(Indicate the date of the agreement or arrangement, whether the agreement or arrangement is now in effect, the maintenance provisions in the agreement or arrangement, and, if there are arrears of payment of maintenance, the amount of the arrears. Where it is requested that provisions of an agreement be incorporated in the order, refer to the specific provisions to be incorporated.)*

Dated at \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_ , \_\_\_\_\_ .

\_\_\_\_\_  
*(Signature of Claimant or Claimant's Lawyer)*



STATEMENT OF LAWYER

I, \_\_\_\_\_, lawyer for the claimant, \_\_\_\_\_,  
(name of lawyer) (name of claimant)

certify to this Court that I have complied with the requirements of subsection 16(1) of *The Family Maintenance Act, 1997* with respect to mediation. (*Where the circumstances of the case are of such a nature that it would clearly not be appropriate to so comply, set out the circumstances.*)

Dated at \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
(Signature of Lawyer)

This document was delivered by \_\_\_\_\_, \_\_\_\_\_, and the  
(firm name) (business address)

address for service is:

Lawyer in charge of file:

Telephone:

(Or, where claimant is not represented by a lawyer:)

This document was delivered by \_\_\_\_\_ of \_\_\_\_\_,  
(claimant) (business or residence address)

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

and the address for service is:

FORM B  
[Clause 4(b)]  
IN THE PROVINCIAL COURT  
OF SASKATCHEWAN

BETWEEN:

CLAIMANT

AND

RESPONDENT

**Notice to Appear**

TO \_\_\_\_\_ (name)

of \_\_\_\_\_ (address)

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

An application has been made to the Provincial Court of Saskatchewan under *The Family Maintenance Act, 1997* claiming \_\_\_\_\_ maintenance by reason of the fact that \_\_\_\_\_  
(spousal/child/son or daughter over the age of 18)

\_\_\_\_\_  
(state grounds constituting spousal/parental relationship as shown in the Application)

The Claimant requests an Order that you pay maintenance for your dependants as follows: (leave blank any items that are not applicable to your claim)

\_\_\_\_\_ An Order for maintenance for a child or a person mentioned in section 4 of *The Family Maintenance Act, 1997* in accordance with the table;

\_\_\_\_\_ An Order for special or extraordinary expenses, as described in the *Child Support Guidelines*, for a child or a person mentioned in section 4 of *The Family Maintenance Act, 1997* respecting the following expenses and in the following amounts: \_\_\_\_\_ ;

\_\_\_\_\_ An Order for maintenance for a child or a person mentioned in section 4 of *The Family Maintenance Act, 1997* not in accordance with the table, in the amount of \$ \_\_\_\_\_ per \_\_\_\_\_ (week, month, etc., either for an indefinite or limited period, or until a specified event occurs, or a lump sum) because:

\_\_\_\_\_ maintenance is sought for a son or daughter over the age of 18 years and the amount in accordance with the table would be inappropriate;

\_\_\_\_\_ an order for child maintenance in an amount in accordance with the table would cause undue hardship, as described in the *Child Support Guidelines*;

\_\_\_\_\_ an order for child maintenance in an amount in accordance with the table would be inequitable given special provisions that have been made for the benefit of the child;

\_\_\_\_\_ the claimant/respondent exercises a right of access to, or has physical custody of, the child/ person for not less than 40% of the time over the course of a year;

\_\_\_\_\_ the income of the respondent is less than the minimum income incorporated in the table;

\_\_\_\_\_ other: (specify) \_\_\_\_\_ ;

\_\_\_\_\_ An Order imputing income to the respondent in accordance with section 19 of the *Child Support Guidelines*, in the following amount and for the following reasons: \_\_\_\_\_ ;

\_\_\_\_\_ An Order for spousal maintenance in the amount of \$ \_\_\_\_\_ per \_\_\_\_\_ (week, month, etc., either for an indefinite or limited period, or until a specified event occurs, or a lump sum);

\_\_\_\_\_ An order that maintenance be paid for a specified period before the date of the order as follows:

<u>Amount</u>	<u>Name of Dependant</u>	<u>Time Period</u>
\$ _____ per _____	_____	_____
\$ _____ per _____	_____	_____
\$ _____ per _____	_____	_____
\$ _____ per _____	_____	_____

\_\_\_\_\_ An order that the respondent designate his or her dependant, \_\_\_\_\_ , as a beneficiary of the respondent's life insurance policy either:

- \_\_\_\_\_ irrevocably; or
- \_\_\_\_\_ until \_\_\_\_\_ ,  
(a specific date)

and that the respondent pay all premiums on that life insurance policy;

\_\_\_\_\_ An order that the respondent, who has an interest in a pension plan or other benefit plan, designate his or her dependant, \_\_\_\_\_ , as a beneficiary under the plan: \_\_\_\_\_ ;  
(describe plan)

\_\_\_\_\_ Where this application requests maintenance for a child, an order that the father pay in addition:

\_\_\_\_\_ (a) expenses of the mother of the child with respect to prenatal care and birth of the child, in the amount of \$ \_\_\_\_\_ ;

\_\_\_\_\_ (b) maintenance for the mother of the child in the amount of \$ \_\_\_\_\_ per \_\_\_\_\_ for \_\_\_\_\_ ;  
(a period not exceeding three months immediately preceding the birth of the child)

\_\_\_\_\_ (c) maintenance for the mother of the child in the amount of \$ \_\_\_\_\_ per \_\_\_\_\_ for \_\_\_\_\_ ;  
(period after the birth of the child, not exceeding six months)

\_\_\_\_\_ Costs of the Application;

\_\_\_\_\_ That payment pursuant to the order be secured as follows: \_\_\_\_\_

A hearing will be held at \_\_\_\_\_

*(state urban centre at which hearing is to be held and the location or description of the building in which the hearing is to be held)*

on \_\_\_\_\_ the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_ at \_\_\_\_\_ o'clock  
*(state whether a.m. or p.m.)*

If you wish to dispute any of the claims, an ANSWER/COUNTERCLAIM (attached) with proof of service on the claimant may be filed with the court.

If you wish to make a claim against the claimant under *The Family Maintenance Act, 1997*, an ANSWER/COUNTERCLAIM (attached), with proof of service on the claimant, may be filed with the court.

Whether or not you intend to dispute any of the claims or make a counterclaim, you are required to serve on the claimant and file with the court the following financial information: \_\_\_\_\_

*(A Financial Statement need not be filed if maintenance is sought only for a spouse and the parties consent to waive this requirement, in which case the Waiver of Financial Statements must be signed by you and your spouse and filed with the court. If an application is made for maintenance pursuant to section 3 or 4 of The Family Maintenance Act, 1997, the Child Support Guidelines require the following information to be filed:*

*Part I of the Financial Statement: by the respondent on all applications; by the claimant on all applications where the claimant's income information is required by the court.*

*Parts II and III of the Financial Statement: by the claimant and respondent in all applications where undue hardship or other exceptions to the table are claimed.)*

TAKE NOTICE THAT IF YOU FAIL TO APPEAR, AN ORDER MAY BE MADE IN YOUR ABSENCE.

\_\_\_\_\_  
*(Judge or Clerk of the Provincial Court of Saskatchewan)*

This document was delivered by \_\_\_\_\_ of \_\_\_\_\_,  
*(claimant) (business or residence address)*

\_\_\_\_\_  
*(telephone)*

and the address for service is:

FORM C  
[Clause 4(c)]  
IN THE PROVINCIAL COURT  
OF SASKATCHEWAN

BETWEEN:

CLAIMANT

AND

RESPONDENT

**Answer/Counterclaim**

1. I/We ask this Honourable Court for the following relief: *(leave blank any parts of this form that are not applicable to your claim)*

\_\_\_\_\_ An Order for maintenance for a child or a person mentioned in section 4 of *The Family Maintenance Act, 1997* in accordance with the table;

\_\_\_\_\_ An Order for special or extraordinary expenses, as described in the *Child Support Guidelines*, for a child or a person mentioned in section 4 of *The Family Maintenance Act, 1997* respecting the following expenses and in the following amounts: \_\_\_\_\_ ;

\_\_\_\_\_ An Order for maintenance for a child or a person mentioned in section 4 of *The Family Maintenance Act, 1997* not in accordance with the table, in the amount of \$ \_\_\_\_\_ per \_\_\_\_\_ (*week, month, etc., either for an indefinite or limited period, or until a specified event occurs, or a lump sum*) because:

\_\_\_\_\_ maintenance is sought for a son or daughter over the age of 18 years and the amount in accordance with the table would be inappropriate;

\_\_\_\_\_ an order for child maintenance in an amount in accordance with the table would cause undue hardship, as described in the *Child Support Guidelines*;

\_\_\_\_\_ an order for child maintenance in an amount in accordance with the table would be inequitable given special provisions that have been made for the benefit of the child;

\_\_\_\_\_ the respondent/claimant exercises a right of access to, or has physical custody of, the child/person for not less than 40% of the time over the course of a year;

\_\_\_\_\_ the income of the claimant is less than the minimum income incorporated in the table;

\_\_\_\_\_ other: (*Specify*) \_\_\_\_\_ ;

\_\_\_\_\_ An Order imputing income to the respondent in accordance with section 19 of the *Child Support Guidelines*, in the following amount and for the following reasons: \_\_\_\_\_

\_\_\_\_\_ An Order for spousal maintenance in the amount of \$ \_\_\_\_\_ per \_\_\_\_\_ (*week, month, etc., either for an indefinite or limited period, or until a specified event occurs, or a lump sum*);

## F-6.2 REG 1

## FAMILY MAINTENANCE, 1998

\_\_\_\_\_ An order that maintenance be paid for a specified period before the date of the order as follows:

<u>Amount</u>	<u>Name of Dependant</u>	<u>Time Period</u>
\$ _____ per _____	_____	_____
\$ _____ per _____	_____	_____
\$ _____ per _____	_____	_____
\$ _____ per _____	_____	_____

\_\_\_\_\_ An order that the claimant designate his or her dependant, \_\_\_\_\_, as beneficiary of the claimant's life insurance policy either:

\_\_\_\_\_ irrevocably; or  
 \_\_\_\_\_ until \_\_\_\_\_,  
 (a specific date)

and that the claimant pay all premiums on that life insurance policy;

\_\_\_\_\_ An order that the claimant, who has an interest in a pension plan or other benefit plan, designate his or her dependant, \_\_\_\_\_, as a beneficiary under the plan: \_\_\_\_\_;  
 (describe plan)

\_\_\_\_\_ Where this counterclaim requests maintenance for a child, an order that the father pay in addition:

- \_\_\_\_\_ (a) expenses of the mother of the child with respect to prenatal care and birth of the child, in the amount of \$ \_\_\_\_\_;
- \_\_\_\_\_ (b) maintenance for the mother of the child in the amount of \$ \_\_\_\_\_ per \_\_\_\_\_ for \_\_\_\_\_;  
 (a period not exceeding three months immediately preceding the birth of the child)
- \_\_\_\_\_ (c) maintenance for the mother of the child in the amount of \$ \_\_\_\_\_ per \_\_\_\_\_ for \_\_\_\_\_;  
 (period after the birth of the child, not exceeding six months)

\_\_\_\_\_ Costs of the counterclaim;

\_\_\_\_\_ That payment pursuant to the order be secured as follows: \_\_\_\_\_.

2. The Financial Statement of the respondent is attached to this Answer/Counterclaim.

*(A Financial Statement need not be filed if maintenance is sought only for a spouse and the parties consent to waive this requirement, in which case the Waiver of Financial Statements must be signed by you and your spouse and filed with the court. If an application is made for maintenance pursuant to section 3 or 4 of The Family Maintenance Act, 1997, the Child Support Guidelines require the following information to be filed:*

*Part I of the Financial Statement: by the respondent on all applications; by the claimant on all applications where the claimant's income information is required by the court.*

*Parts II and III of the Financial Statements: by the claimant and respondent in all applications where undue hardship or other exceptions to the table are claimed.)*

- 3. *(Set out in separate, consecutively numbered paragraphs a statement of the material facts relied on for contesting the Application or for making the Counterclaim.)*

\_\_\_\_\_  
*(Signature of Respondent or Respondent's Lawyer)*

STATEMENT OF LAWYER

I, \_\_\_\_\_, lawyer for the respondent, \_\_\_\_\_,  
*(name of lawyer) (name of respondent)*

certify to this Court that I have complied with the requirements of subsection 16(1) of *The Family Maintenance Act, 1997* with respect to mediation. *(Where the circumstances of the case are of such a nature that it would clearly not be appropriate to so comply, set out the circumstances.)*

Dated at \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
*(Signature of Lawyer)*

This document was delivered by \_\_\_\_\_, \_\_\_\_\_,  
*(firm name) (business address)*

and the address for service is:

Lawyer in charge of file:

Telephone:

*(Or, where respondent is not represented by a lawyer:)*

This document was delivered by \_\_\_\_\_ of \_\_\_\_\_,  
*(respondent) (business or residence address)*

\_\_\_\_\_  
*(telephone number)*

and the address for service is:

FORM D  
[Clause 4(d)]  
IN THE PROVINCIAL COURT  
OF SASKATCHEWAN

BETWEEN:

CLAIMANT

AND

RESPONDENT

**Financial Statement**

FINANCIAL STATEMENT OF \_\_\_\_\_, of \_\_\_\_\_  
(name) (Province of Residence)

I, \_\_\_\_\_, MAKE OATH AND SAY THAT:

1. The details of my financial situation are accurately set out below to the best of my information and belief.

2. The name(s) and address(es) of my employer(s) is (are): \_\_\_\_\_

3. I do not anticipate any material change in the information set out below (*or as the case may be*).

4. The documents required to be filed pursuant to the *Child Support Guidelines* are attached as follows:

(a) a copy of all of my personal income tax returns filed for each of the three most recent taxation years;

(b) a copy of every notice of assessment or re-assessment issued to me for each of the three most recent taxation years;

(c) (*where you are an employee*) my most recent statement of earnings indicating the total earnings paid in the year to date, including overtime (*where that statement is not provided by an employer, a letter from your employer setting out that information, including your rate of annual salary or remuneration*);

(d) (*where you are self-employed*) for the three most recent taxation years:

(i) the financial statements of my business or professional practice, other than a partnership; and

(ii) a statement showing a breakdown of all salaries, wages, management fees or other payments or benefits paid to, or on behalf of, persons or corporations with whom I do not deal at arm's length;

(e) (*where you are a partner in a partnership*) confirmation of my income and draw from, and capital in, the partnership for its three most recent taxation years;



(f) (where you control a corporation) for the corporation's three most recent taxation years:

- (i) the financial statements of the corporation and its subsidiaries; and
- (ii) a statement showing the breakdown of all salaries, wages, management fees or other payments or benefits paid to, or on behalf of, persons or corporations with whom the corporation and every related corporation does not deal at arm's length; and

(g) (where you are a beneficiary under trust) a copy of the trust settlement agreement and copies of the trust's three most recent financial statements.

PART I – MONTHLY INCOME

(give actual amounts where known or ascertainable; otherwise, give estimates.)

Annual income calculated in accordance with section 16  
of the *Child Support Guidelines*  
(where maintenance is claimed pursuant to  
section 3 or 4 of *The Family*  
*Maintenance Act, 1997*) **or**

Gross employment income from all sources      \$ \_\_\_\_\_  
(where maintenance is claimed pursuant to  
section 5 or clause 9(1)(f) of *The Family*  
*Maintenance Act, 1997*)

Child Tax Credit      \_\_\_\_\_

Employment Insurance      \_\_\_\_\_

Worker's compensation      \_\_\_\_\_

Pension (specify) \_\_\_\_\_

Public assistance      \_\_\_\_\_

Investment income      \_\_\_\_\_

Rental income      \_\_\_\_\_

Other (specify) \_\_\_\_\_

TOTAL INCOME FROM ALL SOURCES      \$ \_\_\_\_\_

## PART II – ACTUAL MONTHLY EXPENSES

(Convert all yearly and weekly expenses to monthly amounts. Give actual amounts where known or ascertainable; otherwise give estimates)

DEDUCTIONS FROM INCOME:		SUB-TOTAL	\$ _____
Income tax	\$ _____	Food, groceries and household supplies	_____
Employment insurance	_____	Meals outside home	_____
Canada Pension Plan	_____	Hairdresser	_____
Union dues	_____	Toilet articles (shampoo, toothpaste, etc.)	_____
Employer pension	_____	Clothing, footwear	_____
Group insurance	_____	Laundry, dry cleaning	_____
Payroll savings plan	_____	Miscellaneous	_____
Other ( <i>specify</i> ) _____	_____	Transportation:	
TOTAL DEDUCTIONS	\$ _____	Public transit, etc.	_____
Housing:		Car expenses	_____
Rent or mortgage	\$ _____	Parking	_____
Common expense charges	_____	Other ( <i>specify</i> ) _____	_____
Property Tax	_____	Education and recreation:	
Telephone	_____	Entertainment	_____
Water	_____	Recreation	_____
Electricity	_____	Pets	_____
Natural Gas	_____	Vacation	_____
Heating	_____	Gifts	_____
Cable T.V.	_____	School fees, etc.	_____
Repair and maintenance	_____	Alcohol, tobacco	_____
Other ( <i>specify</i> ) _____	_____	Newspapers, periodicals	_____
Health and Medical:		Children's allowances, activities, lessons	_____
Insurance	_____	Support for others	_____
Drugs	_____	Access costs	_____
Dental and eye care	_____		
Other ( <i>specify</i> ) _____	_____		
Debt Payments:		TOTAL MONTHLY EXPENSES	\$ _____
Credit cards	_____		
Car Payment	_____		
Bank loan	_____		

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Other loans (*specify*) \_\_\_\_\_  
 Banking, legal, accounting \_\_\_\_\_  
 Life Insurance \_\_\_\_\_  
 Church, charities \_\_\_\_\_  
 Babysitting, day care \_\_\_\_\_  
 Professional dues \_\_\_\_\_  
 Income tax, pension  
 contributions, employment  
 insurance (not deducted  
 from income) \_\_\_\_\_  
 Savings for RRSP (excluding  
 payroll deductions) \_\_\_\_\_  
 SUB-TOTAL \$ \_\_\_\_\_

PART III – ASSETS AND DEBTS

ASSETS		DEBTS	
Real Estate:	\$ _____	Bank Loans	\$ _____
Personal Property:	_____	Credit & Charge Cards ( <i>specify</i> )	_____
Car _____ <i>(describe)</i>	\$ _____	_____	\$ _____
Other ( <i>specify</i> ) _____	\$ _____	_____	\$ _____
_____	\$ _____	_____	\$ _____
_____	\$ _____	_____	\$ _____
Securities (shares, bonds, etc.)	\$ _____	Finance Company	\$ _____
Savings and Pensions (including cash)	\$ _____	Other: ( <i>specify</i> )	_____
		_____	\$ _____
		_____	\$ _____
TOTAL ASSETS	\$ _____	_____	\$ _____
		_____	\$ _____
		_____	\$ _____
		TOTAL DEBTS	\$ _____

(Attach schedule where necessary)

SUMMARY

MONTHLY INCOME	\$ _____
TOTAL MONTHLY EXPENSES	\$ _____
BALANCE	\$ _____
TOTAL ASSETS	\$ _____
TOTAL DEBTS	\$ _____
NET WORTH	\$ _____

SWORN before me at \_\_\_\_\_, )  
 Saskatchewan this \_\_\_\_\_ day of )  
 \_\_\_\_\_, \_\_\_\_\_ )  
 \_\_\_\_\_ ) \_\_\_\_\_  
 ) *(Signature of deponent)*  
 \_\_\_\_\_ )  
 A COMMISSIONER FOR OATHS in and )  
 for Saskatchewan, )  
 Being a solicitor, or )  
 My appointment expires \_\_\_\_\_ )

FORM E  
 [Clause 4(e)]  
 IN THE PROVINCIAL COURT  
 OF SASKATCHEWAN

BETWEEN:

CLAIMANT

AND

RESPONDENT

**Waiver of Financial Statements**

The claimant and the respondent waive Financial Statements with respect to claims made in this action.

Dated at \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_

\_\_\_\_\_  
*(Signature of Respondent or Respondent's Lawyer)*

\_\_\_\_\_  
*(Signature of Claimant or Claimant's Lawyer)*

FORM F  
[Clause 4(f)]  
IN THE PROVINCIAL COURT  
OF SASKATCHEWAN

BETWEEN:

CLAIMANT

AND

RESPONDENT

**Affidavit of Personal Service**

I, \_\_\_\_\_, of \_\_\_\_\_ in Saskatchewan, make  
(name of person) (residence)

oath and say:

1. On the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, I personally served \_\_\_\_\_,  
(name of person served)  
with a true copy of the \_\_\_\_\_ attached hereto and marked Exhibit "A"  
(name of document served)  
by leaving a true copy with (him/her) at \_\_\_\_\_.  
(business or residence address)

2. My means of knowledge as to the identity of \_\_\_\_\_  
(name of person served)

are as follows: \_\_\_\_\_

3. To effect service, I necessarily travelled \_\_\_\_\_ kilometres.

SWORN before me at \_\_\_\_\_, )  
Saskatchewan this \_\_\_\_\_ day of \_\_\_\_\_ )  
\_\_\_\_\_, \_\_\_\_\_ )  
\_\_\_\_\_) \_\_\_\_\_ )  
(Signature of deponent)

A Commissioner for Oaths in and )  
for Saskatchewan, )  
being a solicitor, or )  
My appointment expires \_\_\_\_\_ )

FORM G  
[Clause 4(g)]

**Certificate of Service**

I, \_\_\_\_\_, certify that on the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_ ,  
*(name of person)*

I served \_\_\_\_\_ at \_\_\_\_\_  
*(name of person served) (business or residence address)*

with a copy of this document.

Dated at \_\_\_\_\_, Saskatchewan, this \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_ .

\_\_\_\_\_  
*(Sheriff, Deputy Sheriff, Sheriff's Bailiff J.C. of \_\_\_\_\_)*

FORM H  
[Clause 4(h)]

IN THE PROVINCIAL COURT  
OF SASKATCHEWAN

BETWEEN:

CLAIMANT

AND

RESPONDENT

**Affidavit of Service by Registered or Certified Mail**

I, \_\_\_\_\_ of \_\_\_\_\_, Saskatchewan,  
*(name of person) (residence)*

MAKE OATH AND SAY:

1. That I served, \_\_\_\_\_, with a true copy of the \_\_\_\_\_  
*(name of person served) (name of document served)*  
attached to this Affidavit and marked Exhibit "A", by mailing it by (registered mail or certified mail, as the case may be) addressed as follows: \_\_\_\_\_

2. That attached to this Affidavit and marked Exhibit "B" is the post office acknowledgement of receipt card or proof of delivery card, as the case may be, for it purporting to be signed by or on behalf of the addressee on the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_ (or, where the receipt is undated: which was returned on the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_).

3. That the basis of my information and belief as to the postal address of the addressee is: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

SWORN before me at \_\_\_\_\_, )  
 Saskatchewan this \_\_\_\_\_ day of )  
 \_\_\_\_\_, \_\_\_\_\_ )  
 \_\_\_\_\_ )  
 \_\_\_\_\_ ) *(Signature of deponent)*  
 A Commissioner for Oaths in and )  
 for Saskatchewan, )  
 being a solicitor, or )  
 My appointment expires \_\_\_\_\_ )

FORM I  
 [Clause 4(i)]  
 IN THE PROVINCIAL COURT  
 OF SASKATCHEWAN

BETWEEN:

CLAIMANT

AND

RESPONDENT

**Affidavit of Service by Fax**

I, \_\_\_\_\_ of \_\_\_\_\_, Saskatchewan,  
*(name of person)* *(residence)*

MAKE OATH AND SAY:

1. That I served, \_\_\_\_\_, with a true copy of the \_\_\_\_\_  
*(name of person served)* *(name of document served)*  
 attached to this Affidavit and marked Exhibit "A", by sending it by fax to the following  
 fax number: \_\_\_\_\_

2. That attached to this Affidavit and marked Exhibit "B" is the transmission record  
 or journal generated by the fax machine that indicates that the date of transmission  
 was the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_ and that the transmission was  
 successful.

3. That the basis of my information and belief as to the fax number of the person served  
 is: \_\_\_\_\_

SWORN before me at \_\_\_\_\_, )  
 Saskatchewan this \_\_\_\_\_ day of )  
 \_\_\_\_\_, \_\_\_\_\_ . )  
 \_\_\_\_\_ )  
 \_\_\_\_\_ ) *(Signature of deponent)*  
 A Commissioner for Oaths in and )  
 for Saskatchewan, )  
 being a solicitor, or )  
 My appointment expires \_\_\_\_\_ . )

FORM J  
 [Clause 4(j)]  
 IN THE PROVINCIAL COURT  
 OF SASKATCHEWAN

BETWEEN:

CLAIMANT

AND

RESPONDENT

**Subpoena**

Province of Saskatchewan

TO:

\_\_\_\_\_  
 You are commanded to appear before a Judge at \_\_\_\_\_

\_\_\_\_\_  
*(state urban centre at which hearing is to be held and the location or description of the building in which the hearing is to be held)*

on the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_ at the hour of \_\_\_\_\_ o'clock  
*(state whether a.m. or p.m.)* and, in case the hearing is adjourned, to appear on the dates  
 to which it is adjourned, to give evidence on behalf of the \_\_\_\_\_ .  
*(Claimant / Respondent)*

*Optional:* And you are required to bring with you and produce at the hearing:  
*(specify books, papers, documents or other thing to be produced)*

\_\_\_\_\_  
 TAKE NOTICE THAT IF YOU FAIL TO APPEAR AND TESTIFY YOU WILL BE  
 LIABLE IN THE SAME MANNER AS IF YOU DISOBEYED A SUBPOENA ISSUED  
 BY THE COURT OF QUEEN'S BENCH FOR SASKATCHEWAN.

Dated at \_\_\_\_\_, Saskatchewan, the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_ .

\_\_\_\_\_  
*(Judge or Clerk of the Provincial Court of Saskatchewan)*



FORM K  
[Clause 4(k)]  
IN THE PROVINCIAL COURT  
OF SASKATCHEWAN

BETWEEN:

APPLICANT

AND

RESPONDENT

**Notice of Application for Variation**

TO THIS HONOURABLE COURT:

CLAIM

- 1. I/We ask this Honourable Court for an Order that the Order granted by this Honourable Court on the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_ be varied as follows:

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SUMMARY OF FACTS

- 2. Where the application is for variation of maintenance for a child and/or for a person mentioned in section 4 of *The Family Maintenance Act, 1997*:
  - (a) Current order provides for maintenance for the following child(ren) and/or person(s) mentioned in section 4 of *The Family Maintenance Act, 1997*:

<u>Name</u>	<u>Date of Birth</u>
_____	_____
_____	_____
_____	_____
_____	_____

in the following terms:

---



---

- (b) Particulars of current maintenance arrangements:

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---

- (c) Particulars of proposed changes:

---



---

(d) Amount of arrears under current order:

---

---

3. Where the application is for variation of spousal maintenance:

(a) Current order provides for maintenance as follows:

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---

(b) Particulars of current maintenance arrangements:

---

---

(c) Particulars of proposed changes:

---

---

(d) Amount of arrears under current order:

---

---

4. Where the application is for variation of maintenance for the mother of a child:

(a) Current order provides for maintenance as follows:

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(b) Particulars of current maintenance arrangements:

---

---

(c) Particulars of proposed changes:

---

---

(d) Amount of arrears under current order:

---

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5. The variation described above is sought based on the following change in circumstances of the parties since the date of the current maintenance order:

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- 6. The Financial Statement of the Applicant is attached to this Notice. *(A Financial Statement need not be filed if maintenance is sought only for a spouse and the parties consent to waive this requirement, in which case the Waiver of Financial Statements must be signed by you and your spouse and filed with the court. If an application is made for maintenance pursuant to section 3 or 4 of The Family Maintenance Act, 1997, the Child Support Guidelines require the following information to be filed:*

*Part I of the Financial Statement: by the respondent on all applications; by the claimant on all applications where the claimant's income information is required by the court.*

*Parts II and III of the Financial Statements: by the claimant and respondent in all applications where undue hardship or other exceptions to the table are claimed.)*

- \_\_\_\_\_ Financial Statement
- \_\_\_\_\_ Waiver of Financial Statements
- \_\_\_\_\_ Maintenance for a child or a person mentioned in section 4 of *The Family Maintenance Act, 1997* is sought in accordance with the table.

**MEDIATION**

- 7. The mediation facilities used to negotiate maintenance issues in dispute in this matter are as follows:

\_\_\_\_\_

\_\_\_\_\_

**MAINTENANCE AGREEMENTS**

- 8. The details of any written or oral maintenance agreements between the parties made since the date of the order sought to be varied are:

\_\_\_\_\_

*(Indicate the date of the agreement or arrangement, whether the agreement or arrangement is now in effect, the maintenance provisions in the agreement or arrangement, and, if there are arrears of payment of maintenance, the amount of the arrears. Where it is requested that provisions of an agreement be incorporated in the order refer to the specific provisions to be incorporated.)*

Dated at \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
*(Signature of Applicant or Applicant's Lawyer)*

STATEMENT OF LAWYER

I, \_\_\_\_\_, lawyer for the applicant, \_\_\_\_\_,  
(name of lawyer) (name of applicant)

certify to this Court that I have complied with the requirements of subsection 16(1) of *The Family Maintenance Act, 1997* with respect to mediation. (Where the circumstances of the case are of such a nature that it would clearly not be appropriate to comply, set out the circumstances.)

Dated at \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_.

\_\_\_\_\_  
(Signature of Lawyer)

This document was delivered by \_\_\_\_\_, \_\_\_\_\_, and the address for  
(firm name) (business address)

service is:

Lawyer in charge of file:

Telephone:

(Or, where applicant is not represented by a lawyer:)

This document was delivered by \_\_\_\_\_ of \_\_\_\_\_,  
(applicant) (business or residence address)

\_\_\_\_\_,  
(telephone)

and the address for service is:

FORM L  
(Clause 4(l))  
IN THE PROVINCIAL COURT  
OF SASKATCHEWAN

BETWEEN:

CLAIMANT

AND

RESPONDENT

BEFORE HIS/HER HONOUR ) ON \_\_\_\_\_  
JUDGE \_\_\_\_\_ AT ) THE \_\_\_ DAY OF \_\_\_\_\_  
\_\_\_\_\_, SASKATCHEWAN ) \_\_\_\_\_, \_\_\_\_\_

**Order**

On the application of \_\_\_\_\_ and on hearing counsel for the claimant (or the claimant) and on hearing counsel for the respondent (or the respondent or no one having appeared for the respondent) and on hearing read the material filed, it is ordered, directed and adjudged:

1. (Include if applicable) That the order made by \_\_\_\_\_ of \_\_\_\_\_ on the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_ which provided for payment of maintenance as follows: \_\_\_\_\_ be varied in accordance with this order.
2. That the respondent's gross annual income is \$ \_\_\_\_\_ .
3. That the respondent \_\_\_\_\_ of \_\_\_\_\_ in the Province of \_\_\_\_\_, shall pay to the claimant \_\_\_\_\_ of \_\_\_\_\_ in the Province of \_\_\_\_\_, the sum of \$ \_\_\_\_\_ for the maintenance of the following child(ren)/person(s) mentioned in section 4 of *The Family Maintenance Act, 1997*:

<u>Name</u>	<u>Date of Birth</u>
_____	_____
_____	_____
_____	_____
_____	_____

commencing on the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_ and payable on the \_\_\_\_\_ day of each and every month thereafter until \_\_\_\_\_ (or as may be applicable).

4. That in addition to the amounts ordered to be paid pursuant to paragraph 3, the respondent shall pay to the claimant the amount or proportion of the following special or extraordinary expenses of the following children/persons mentioned in section 4 of *The Family Maintenance Act, 1997*:

<u>Child/Person's Name</u>	<u>Amount or proportion of expense</u>	<u>Special or extraordinary expenses</u>	<u>Duration of payment</u>
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

For the purpose of making the order for payment of special or extraordinary expenses, the annual gross income of the claimant is found to be \$ \_\_\_\_\_ and the means of

the child/person \_\_\_\_\_ are found to be \$ \_\_\_\_\_

5. (Include if applicable) The amount ordered varies from the *Child Support Guidelines* table for the following reasons:

(If the variation is granted on the basis of undue hardship, the following should be included) based on the following income information:

Total gross annual income of the claimant: \$ \_\_\_\_\_

Total gross annual income of the respondent: \$ \_\_\_\_\_

6. That costs in the amount of \$ \_\_\_\_\_ are ordered to be paid by \_\_\_\_\_ to \_\_\_\_\_.

7. Payment of the amount ordered shall be secured as follows:

\_\_\_\_\_  
(Judge or Clerk of the Provincial Court)

6 Mar 98 cF-6.1 Reg 1.