

The Inter-jurisdictional Support Orders Act

being

Chapter I-10.03* of *The Statutes of Saskatchewan, 2002* (effective January 31, 2003), as amended by the *Statutes of Saskatchewan, 2012, c.18; 2015, c.22; 2020, c.2; 2021, c.20; 2022, c.14; and 2023, c.28.*

***NOTE:** Pursuant to subsection 33(1) of *The Interpretation Act, 1995*, the Consequential Amendment sections, schedules and/or tables within this Act have been removed. Upon coming into force, the consequential amendments contained in those sections became part of the enactment(s) that they amend, and have thereby been incorporated into the corresponding Acts. Please refer to the Separate Chapter to obtain consequential amendment details and specifics.

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.

Table of Contents

PART I	
Short Title and Interpretation	
1	Short title
2	Interpretation
PART II	
Claims When No Support Order Exists	
3	Interpretation of Part
4	Application of Part II
DIVISION 1	
Claimant Habitually Resident in Saskatchewan	
5	Support application
6	Providing support application to designated authority
7	Provisional orders
DIVISION 2	
Claimant Habitually Resident Outside Saskatchewan	
8	Interpretation of Division
9	Notice of hearing
10	Information that Saskatchewan court shall consider
11	Parentage
12	Choice of law
13	Order
14	Order if notice not complied with
15	Forwarding order
PART III	
Registration and Enforcement of Orders Made Outside Saskatchewan	
16	Interpretation of Part
17	Receipt of an order in Saskatchewan
18	Registration
19	Foreign orders
20	Effect of setting aside
20.1	Foreign order deemed to be extraprovincial order if previous registration in Canada
21	Foreign order expressed in non-Canadian currency
22	Foreign document not in English or French
PART IV	
Variation of Support Order	
23	Interpretation of Part
24	Restrictions
DIVISION 1	
Applicant Habitually Resident in Saskatchewan	
25	Application to vary support order
26	Providing support variation application to designated authority
27	Provisional order of variation
DIVISION 2	
Applicant Habitually Resident Outside Saskatchewan	
28	Interpretation of Division
29	Notice of hearing
30	Information that Saskatchewan court shall consider
31	Choice of law
32	Order
33	Order if notice not complied with
34	Forwarding order
DIVISION 3	
Variation of Registered Orders	
35	Jurisdiction
PART V	
Appeals	
36	Appeals
PART VI	
General	
37	Appointment of designated authority
37.1	Request to relocate
38	Transmission of documents
39	Right of subrogation
40	Terminology
41	Regularity of proceedings, etc., presumed
42	Law of reciprocating jurisdiction
43	Other remedies
44	Regulations
PART VII	
Repeal, Transitional, Consequential Amendments and Coming Into Force	
45	S.S. 1996, c.R-4.2 repealed
46	Transitional
47	S.S. 1997, c.E-9.21 amended
48	S.S. 1997, c.F-6.2 amended
49	S.S. 1998, c.Q-1.01 amended
50	Coming into force

CHAPTER I-10.03

An Act respecting Inter-jurisdictional Support Orders and making consequential amendments to certain Acts

PART I

Short Title and Interpretation

Short title

1 This Act may be cited as *The Inter-jurisdictional Support Orders Act*.

Interpretation

2 In this Act:

“**claimant**” means a person who applies under this Act for support; (« *requérant* »)

“**court**” means:

- (a) when used in relation to Saskatchewan, the Court of King’s Bench;
- (b) when used in relation to a reciprocating jurisdiction, an authority in the reciprocating jurisdiction having jurisdiction to make an order; (« *tribunal* »)

“**designated authority**” means the person appointed pursuant to subsection 37(1), and includes a person to whom a power or duty is delegated pursuant to subsection 37(2); (« *autorité désignée* »)

“**former Act**” means *The Reciprocal Enforcement of Maintenance Orders Act, 1996*; (« *ancienne loi* »)

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

“**provisional order**” means:

- (a) a support order of a court in Saskatchewan that has no effect until confirmed by a court in a reciprocating jurisdiction; or
- (b) a support order similar to an order mentioned in clause (a) that is made in a reciprocating jurisdiction and received for confirmation in Saskatchewan; (« *ordonnance provisionnelle* »)

“**provisional order of variation**” means:

- (a) an order of a court in Saskatchewan that varies a support order and that has no effect until confirmed by a court in a reciprocating jurisdiction; or
- (b) an order similar to an order mentioned in clause (a) that is made in a reciprocating jurisdiction and received for confirmation in Saskatchewan; (« *ordonnance modificative provisionnelle* »)

“**reciprocating jurisdiction**” means a jurisdiction declared in the regulations to be a reciprocating jurisdiction; (« *ressort pratiquant la réciprocité* »)

“**request to locate**” means a written request to locate a person for the purpose of facilitating a proceeding with respect to the establishment, variation, registration or enforcement of a support order; (« *demande de recherche d’une personne* »)

“**support**” includes support, maintenance and alimony; (« *aliments* »)

“**support order**” means a court order or an order made by an administrative body requiring the payment of support, and includes:

- (a) the provisions of a written agreement requiring the payment of support if those provisions are enforceable in the jurisdiction in which the agreement was made as if they were contained in an order of a court of that jurisdiction; and
- (b) the recalculation by an administrative body of the payment of support for a child if the recalculation is enforceable in the jurisdiction where the recalculation was made as if it were contained in an order of a court of that jurisdiction; (« *ordonnance alimentaire* »)

“**telephone**” includes any other means of electronic communication prescribed in the regulations. (« *téléphone* »)

2002, c.I-10.03, s.2; 2012, c.18, s.3; 2023, c.28, s.17-13.

PART II

Claims When No Support Order Exists

Interpretation of Part

3 In this Part, “**respondent**” means the person against whom support is sought. (« *intimé* »)

2002, c.I-10.03, s.3.

Application of Part II

4 This Part applies only when there is no support order in effect requiring the respondent to pay support for the claimant, for any children for whom support is claimed or for both.

2002, c.I-10.03, s.4.

DIVISION 1
Claimant Habitually Resident in Saskatchewan

Support application

5(1) If a claimant resides in Saskatchewan and believes that the respondent is habitually resident in a reciprocating jurisdiction, the claimant may start a proceeding in Saskatchewan that could result in a support order being made in a reciprocating jurisdiction.

(2) To start the proceeding, the claimant must complete a support application that includes the following:

- (a) the claimant's name and address for service;
- (b) a copy of the specific statutory or other legal authority on which the application for support is based, unless the claimant is relying on the law of the jurisdiction where the respondent is habitually resident;
- (c) the amount and nature of support claimed;
- (d) a sworn document setting out the following:
 - (i) the respondent's name and any information that can be used to locate or identify the respondent;
 - (ii) the respondent's financial circumstances, to the extent known by the claimant;
 - (iii) the name of each person for whom support is claimed and the date of birth of any child for whom support is claimed;
 - (iv) the evidence in support of the application, including:
 - (A) if support is claimed for a child, details of the parentage of the child and information respecting the child's financial and other circumstances; and
 - (B) if support is claimed for the claimant, information respecting the claimant's financial and other circumstances and the claimant's relationship with the respondent;
- (e) any other information or documents required by the regulations.

(3) The claimant is not required to notify the respondent that a proceeding has been started pursuant to this section.

Providing support application to designated authority

- 6(1)** The claimant must submit the support application to the designated authority in Saskatchewan.
- (2) On receiving a support application, the designated authority shall:
- (a) review the support application to ensure that it is complete; and
 - (b) send a copy of the completed support application to the appropriate authority in the reciprocating jurisdiction in which the claimant believes the respondent is habitually resident.
- (3) On receiving a request for further information or documents from a reciprocating jurisdiction pursuant to an enactment in that jurisdiction that corresponds to clause 10(2)(a), the claimant must, in accordance with the regulations, provide the further information or documents within the time set out in the request.
- (4) On receiving a copy of an order and reasons, if any, from a reciprocating jurisdiction pursuant to an enactment in that jurisdiction that corresponds to section 15, the designated authority shall provide a copy of the order and reasons, if any, to the claimant.

2002, c.I-10.03, s.6; 2012, c.18, s.6; 2022, c.14, s.3.

Provisional orders

- 7(1)** If the respondent is habitually resident in a reciprocating jurisdiction that requires a provisional order, the court may, on application by a claimant and without notice to and in the absence of the respondent, make a provisional order taking into account the specific statutory or other legal authority on which the application for support is based.
- (2) Evidence in proceedings pursuant to subsection (1) may be given orally, in writing or in any manner that the court may allow.
- (3) If a provisional order is made, the designated authority shall send to the reciprocating jurisdiction:
- (a) 3 copies of the provisional order, which must be certified copies if required under the rules of the reciprocating jurisdiction;
 - (b) a certified or sworn document setting out or summarizing the evidence given in the proceeding; and
 - (c) a support application mentioned in subsection 5(2).
- (4) If, during a proceeding for confirmation of a provisional order, a court in a reciprocating jurisdiction remits the matter back for further evidence to the court in Saskatchewan, the court in Saskatchewan shall, after giving notice to the claimant, receive further evidence.
- (5) If evidence is received pursuant to subsection (4), the designated authority shall send to the court in the reciprocating jurisdiction:
- (a) a copy of the evidence, which must be a certified copy if required under the rules of the reciprocating jurisdiction; and
 - (b) if the court in Saskatchewan modifies the provisional order, 3 copies of the order as modified, which must be certified copies if required under the rules of the reciprocating jurisdiction.

(6) If a provisional order made pursuant to this section comes before a court in a reciprocating jurisdiction and confirmation is denied with respect to one or more persons for whom support is sought, the court in Saskatchewan that made the provisional order may, on application within six months after the denial of confirmation, re-open the matter, receive further evidence and make a new provisional order for a person with respect to whom confirmation of the previous provisional order was denied.

2002, c.I-10.03, s.7; 2012, c.18, s.7; 2022, c.14, s.4.

DIVISION 2

Claimant Habitually Resident Outside Saskatchewan

Interpretation of Division

8 In this Division, “**support application**” means:

- (a) a provisional order mentioned in clause (b) of the definition of “**provisional order**” in section 2; or
- (b) a document from a reciprocating jurisdiction corresponding to a support application described in subsection 5(2). (« *demande d'aliments* »)

2002, c.I-10.03, s.8.

Notice of hearing

9(1) If the designated authority receives a support application from an appropriate authority in a reciprocating jurisdiction together with information that the respondent is habitually resident in Saskatchewan, the designated authority shall serve on the respondent, in accordance with the regulations:

- (a) a copy of the support application; and
- (b) a notice requiring the respondent to appear at a place and time set out in the notice and to provide the information or documents required by the regulations.

(2) If the designated authority has not served the respondent in accordance with subsection (1) and knows or believes that the respondent is habitually resident in another reciprocating jurisdiction in Canada, the designated authority shall:

- (a) send the support application to the appropriate authority in that other reciprocating jurisdiction; and
- (b) notify the appropriate authority in the originating reciprocating jurisdiction that it has done so.

(3) The designated authority shall return the support application to the appropriate authority in the originating reciprocating jurisdiction with any available information respecting the respondent’s location and circumstances if the designated authority:

- (a) is unable to determine where the respondent resides; or
- (b) has not served the respondent in accordance with subsection (1) and knows or believes that the respondent is habitually resident in a jurisdiction outside Canada.

2002, c.I-10.03, s.9; 2012, c.18, s.9.

Information that Saskatchewan court shall consider

10(1) When a support application comes before a court in Saskatchewan, the court in making an order shall consider:

- (a) the evidence provided to the court; and
 - (b) the information and documents sent from the reciprocating jurisdiction.
- (2) If the court requires further information or documents from the claimant to make a support order, the court:
- (a) shall direct the designated authority to request the information or documents from the claimant or the appropriate authority in the reciprocating jurisdiction; and
 - (b) shall adjourn the hearing and may, if the court considers it appropriate, make an interim support order.
- (3) If the court does not receive the information or documents mentioned in subsection (2) within 12 months after the date of the request, the court may dismiss the support application and terminate an interim support order made pursuant to clause (2)(b).
- (4) The dismissal of a support application pursuant to subsection (3) does not preclude the claimant from commencing a new support application.
- (5) If the court directs the designated authority to request further information from the claimant pursuant to subsection (2), the court may order that the oral evidence of any witness may be taken by telephone if:
- (a) the parties consent; or
 - (b) in the opinion of the judge, it is necessary to ensure a fair hearing.
- (6) If taking evidence by telephone is or becomes unsatisfactory, 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 that the judge considers appropriate.
- (7) Unless the court orders otherwise, the designated authority shall file with the court all written material to which the witness intends to refer.

2002, c.I-10.03, s.10; 2012, c.18, s.10.

Parentage

11(1) If the parentage of a child is in issue and has not previously been determined, the court may decide that issue.

(2) Subject to subsection (3), a determination of parentage pursuant to this section has effect only for the purpose of support proceedings pursuant to this Act.

(3) The court may make a determination of parentage that has the same effect as a declaratory order made pursuant to section 64 of *The Children's Law Act, 2020* if the court is satisfied that it is fit and just to do so, having regard to all the circumstances of the case including the nature and quality of the evidence adduced, and sections 64 to 68 of *The Children's Law Act, 2020* apply to the proceeding.

2002, c.I-10.03, s11; 2020, c2, s.89.

Choice of law

12(1) In determining entitlement to receive or continue to receive support for a child and the amount of support for a child, the court shall first apply Saskatchewan law, but if under Saskatchewan law the child is not entitled to support, the court shall apply the law of the jurisdiction in which the child is habitually resident.

(2) In determining a claimant's entitlement to receive or continue to receive support and the amount of support, the court shall first apply Saskatchewan law, but if under Saskatchewan law the claimant is not entitled to support, the court shall apply the law of the jurisdiction in which the claimant and respondent last maintained a common habitual residence.

2012, c.18, s.11.

Order

13(1) On the conclusion of a hearing, the court may, with respect to a claimant, a child or both:

- (a) make a support order;
- (b) make an interim support order and adjourn the hearing to a specified date;
- (c) adjourn the hearing to a specified date without making an interim support order; or
- (d) refuse to make a support order.

(1.1) A support order must specify the law applied pursuant to section 12, and, if the order does not specify the law applied, the order is deemed to have been made pursuant to Saskatchewan law.

(2) The court may direct that payments under a support order begin from a date earlier than the date of the support order.

(3) A support order may require support to be paid in periodic payments, as a lump sum or both.

(4) If the court refuses to make a support order, the court shall give reasons for its order.

2002, c.I-10.03, s.13; 2012, c.18, s.12.

Order if notice not complied with

14 If the respondent does not appear as required in the notice or does not provide the information or documents required pursuant to clause 9(1)(b), the court may make an order in the absence of the respondent or in the absence of the information or documents, as the case may be, and in making the order may draw any inference the court considers appropriate.

2002, c.I-10.03, s.14.

Forwarding order

15 The designated authority shall:

- (a) if the respondent does not appear as required, send a copy of the order to the respondent in accordance with the regulations; and
- (b) send a copy of an order made pursuant to this Division and reasons, if any, to the appropriate authority in the originating reciprocating jurisdiction, which must be a certified copy if required under the rules of the reciprocating jurisdiction.

2002, c.I-10.03, s.15; 2022, c.14, s.5.

PART III

Registration and Enforcement of Orders Made Outside Saskatchewan**Interpretation of Part**

16 In this Part:

“**extraprovincial order**” means a support order, an interim support order or an order that varies a support order made in a reciprocating jurisdiction in Canada, before, on or after the day on which this Act comes into force, but does not include a provisional order or a provisional order of variation; (« *ordonnance extraprovinciale* »)

“**foreign order**” means a support order, an interim support order or an order that varies a support order made in a reciprocating jurisdiction outside Canada, before, on or after the day on which this Act comes into force, but does not include a provisional order or a provisional order of variation. (« *ordonnance étrangère* »)

2002, c.I-10.03, s.16; 2015, c.22, s.12.

Receipt of an order in Saskatchewan

17(1) To register an extraprovincial order or a foreign order, the order must be sent to the designated authority in Saskatchewan.

(2) On receiving a copy of an extraprovincial order or a foreign order, the designated authority in Saskatchewan shall register a copy of the order with the court.

(3) Notwithstanding subsection (2), before registering an extraprovincial order or a foreign order, the designated authority may:

- (a) request a certified copy of the extraprovincial order or the foreign order from the appropriate authority or the party who resides in the reciprocating jurisdiction; and
- (b) if the designated authority determines that it is appropriate to do so, decline to register the order with the court until the designated authority receives a certified copy as requested pursuant to clause (a).

2002, c.I-10.03, s.17; 2015, c.22, s.12; 2022, c.14, s.6.

Registration

- 18(1)** From the date of registration, the extraprovincial order or foreign order has the same effect as if it were a support order made by a court in Saskatchewan.
- (2) The registered order may:
- (a) both with respect to arrears accrued before registration and with respect to obligations accruing after registration, be enforced in the same manner as a support order made by a court in Saskatchewan; or
 - (b) be varied as provided in this Act.
- (3) The duration of a support obligation set out in the extraprovincial order or foreign order is governed by the law pursuant to which the order was made.
- (4) The onus is on the appropriate authority of the reciprocating jurisdiction to provide proof of the law governing the duration of the support obligation to the satisfaction of the designated authority.
- (5) Notwithstanding subsection (3), if the designated authority is unable to determine the duration of the support obligation pursuant to the law specified, the designated authority may apply Saskatchewan law to determine the duration of the support order.

2002, c.I-10.03, s.18; 2012, c.18, s.13; 2015, c.22, s.12.

Foreign orders

- 19(1)** After the registration of a foreign order pursuant to section 17, the designated authority shall, in accordance with the regulations, notify any party to the order believed to be habitually resident in Saskatchewan of the registration of the order.
- (2) A party to the foreign order may apply to the court to set aside the registration of the foreign order within 30 days after receiving notice of the registration of the foreign order and on giving notice in accordance with the regulations.
- (3) On an application pursuant to subsection (2), the court may:
- (a) confirm the registration; or
 - (b) set aside the registration if the court determines that:
 - (i) in the proceeding in which the foreign order was made, a party to the order did not have proper notice or a reasonable opportunity to be heard;
 - (ii) the foreign order is contrary to the public policy of Saskatchewan;
 - (iii) the court that made the foreign order did not have jurisdiction to make the order; or
 - (iv) it is not satisfied with the authenticity or integrity of the foreign order.
- (3.1) The court may only set aside the registration of a foreign order pursuant to subclause (3)(b)(iv) if the court requested but did not receive a certified copy of the foreign order.

c. I-10.03 INTER-JURISDICTIONAL SUPPORT ORDERS

- (4) If the court sets aside the registration, the court shall give reasons for its decision.
- (5) For the purposes of subclause (3)(b)(iii), a court has jurisdiction:
- (a) if both parties to the order were habitually resident in the reciprocating jurisdiction outside Canada; or
 - (b) if a party, who was not habitually resident in the reciprocating jurisdiction outside Canada, is subject to the jurisdiction of the court that made the foreign order.
- (6) The designated authority shall send a copy of an order made pursuant to this section and reasons, if any, to the appropriate authority in the originating reciprocating jurisdiction.

2002, c.I-10.03, s.19; 2012, c.18, s.14; 2022, c 14, s.7.

Effect of setting aside

- 20(1)** If the registration of a foreign order is set aside, the foreign order must, at the request of the party applying to register the order, be dealt with in accordance with Division 2 of Part II or Division 2 of Part IV, as the case may be, as if the foreign order were a support application received pursuant to subsection 9(1) or a support variation application received pursuant to subsection 29(1).
- (2) If the foreign order does not contain the necessary information or documents required for a support application or support variation application, the designated authority shall request the necessary information and documents from the party applying to register the order and, until the required information and documents are provided to the designated authority, no proceedings under Division 2 of Part II or Division 2 of Part IV, as the case may be, may continue.

2002, c.I-10.03, s.20.

Foreign order deemed to be extraprovincial order if previous registration in Canada

- 20.1(1)** A foreign order received by the designated authority pursuant to this Part is deemed to be an extraprovincial order, and subsections 19(2) to (6) and section 20 do not apply with respect to that order, if:
- (a) the order was previously registered in another province or territory of Canada pursuant to an enactment in that jurisdiction that corresponds to this Act; and
 - (b) the registration of the order has not been set aside in that province or territory.
- (2) Notwithstanding subsection (1), the respondent may apply to the court in accordance with subsection 19(2) to set aside the registration of the foreign order if the respondent did not receive notice of the registration of the foreign order in the province or territory of Canada in which the order was previously registered.

2022, c 14, s.8.

Foreign order expressed in non-Canadian currency

21 If a foreign order that has been registered in accordance with section 17 refers to an amount of support that is not expressed in Canadian currency, the designated authority shall convert the amount into Canadian currency in accordance with the regulations.

2002, c.I-10.03, s.21; 2022, c.14, s.9.

Foreign document not in English or French

22(1) A foreign order or other document from a reciprocating jurisdiction that is written in a language other than English or French must be accompanied by a translation of the order or document into English or French.

(2) A translation required pursuant to subsection (1) must be authenticated as being accurate by a certificate of the translator.

2002, c.I-10.03, s.22.

PART IV Variation of a Support Order

Interpretation of Part

23 In this Part:

“**applicant**” means a party applying to vary a support order; (« *requérant* »)

“**respondent**” means the party who is the respondent in a support variation application; (« *intimé* »)

“**support order**” means a support order as defined in section 2 that is:

- (a) made in Saskatchewan; or
- (b) made in a reciprocating jurisdiction and registered in a court in Saskatchewan pursuant to Part III or the former Act;

but does not include a provisional order or a provisional order of variation. (« *ordonnance alimentaire* »)

2002, c.I-10.03, s.23.

Restrictions

24(1) This Part does not:

- (a) subject to subsection (2), authorize a provincially appointed judge to vary a support order made in Canada by a federally appointed judge; or
- (b) allow a support order originally made pursuant to the *Divorce Act* (Canada) to be varied except as authorized by the *Divorce Act* (Canada).

(2) A provincially appointed judge may make a provisional order of variation pursuant to section 27 to vary a support order made in Canada by a federally appointed judge.

2002, c.I-10.03, s.24.

DIVISION 1
Applicant Habitually Resident in Saskatchewan

Application to vary support order

25(1) If an applicant is habitually resident in Saskatchewan and believes that the respondent is habitually resident in a reciprocating jurisdiction, the applicant may start a proceeding in Saskatchewan that could result in a variation of a support order being made in a reciprocating jurisdiction.

(2) To start the proceeding, the applicant must complete a support variation application that includes the following:

- (a) the applicant's name and address for service;
- (b) either:
 - (i) a certified copy of the support order; or
 - (ii) a copy of the support order if the designated authority advises the applicant that a certified copy is not required;
- (c) a copy of the specific statutory or other legal authority on which the application for variation is based, unless the applicant is relying on the law of the jurisdiction where the respondent is habitually resident;
- (d) the particulars of the variation applied for, which may include a termination of the support order;
- (e) a sworn document setting out the following:
 - (i) the respondent's name and any information that can be used to locate or identify the respondent;
 - (ii) the respondent's financial circumstances, to the extent known by the applicant;
 - (iii) the name of each person, to the extent known by the applicant, for whom support is payable or who will be affected by the variation;
 - (iv) the evidence in support of the application, including:
 - (A) if support to the applicant or respondent is an issue, information respecting the applicant's relationship with the respondent; and
 - (B) if the variation applied for affects support for a child, information respecting the child's financial and other circumstances;
 - (v) information prescribed in the regulations respecting the applicant's financial circumstances;
- (f) any other information or documents required by the regulations.

(3) The applicant is not required to notify the respondent that a proceeding has been started pursuant to this section.

Providing support variation application to designated authority

- 26(1)** The applicant must submit the support variation application to the designated authority in Saskatchewan.
- (2) On receiving a support variation application, the designated authority shall:
- (a) review the support variation application to ensure that it is complete; and
 - (b) send a copy of the completed support variation application to the appropriate authority in the reciprocating jurisdiction in which the applicant believes the respondent is habitually resident.
- (3) On receiving a request for further information or documents from a reciprocating jurisdiction pursuant to an enactment in that jurisdiction that corresponds to clause 30(2)(a), the applicant must, in accordance with the regulations, provide the further information or documents within the time set out in the request.
- (4) On receiving a copy of an order and reasons, if any, from a reciprocating jurisdiction pursuant to an enactment in that jurisdiction that corresponds to section 34, the designated authority shall provide a copy of the order and reasons, if any, to the applicant.

2002, c.I-10.03, s.26; 2012, c.18, s.17; 2022, c.14, s.11.

Provisional order of variation

- 27(1)** If the respondent is habitually resident in a reciprocating jurisdiction that requires a provisional order of variation, the court may, on application by an applicant and without notice to and in the absence of the respondent, make a provisional order of variation taking into account the specific statutory or other legal authority on which the application for variation is based.
- (2) Evidence in proceedings pursuant to subsection (1) may be given orally, in writing or in any manner that the court may allow.
- (3) If a provisional order of variation is made, the designated authority shall send to the reciprocating jurisdiction:
- (a) 3 copies of the provisional order of variation, which must be certified copies if required under the rules of the reciprocating jurisdiction;
 - (b) a certified or sworn document setting out or summarizing the evidence given in the proceeding; and
 - (c) a support variation application mentioned in subsection 25(2).
- (4) If, during a proceeding for confirmation of a provisional order of variation, a court in a reciprocating jurisdiction remits the matter back for further evidence to the court in Saskatchewan, the court in Saskatchewan shall, after giving notice to the applicant, receive further evidence.

(5) If evidence is received pursuant to subsection (4), the designated authority shall send to the court in the reciprocating jurisdiction:

- (a) a copy of the evidence, which must be a certified copy if required under the rules of the reciprocating jurisdiction; and
- (b) if the court in Saskatchewan modifies the provisional order of variation, 3 copies of the order as modified, which must be certified copies if required under the rules of the reciprocating jurisdiction.

(6) If a provisional order of variation made pursuant to this section comes before a court in a reciprocating jurisdiction and confirmation is denied with respect to all or any part of the provisional order of variation, the court in Saskatchewan that made the provisional order of variation may, on application within six months after the denial of confirmation, re-open the matter, receive further evidence and make a new provisional order of variation.

2002, c.I-10.03, s.27; 2012, c.18, s.18; 2022, c.14, s.12.

DIVISION 2

Applicant Habitually Resident Outside Saskatchewan

Interpretation of Division

28 In this Division, “**support variation application**” means:

- (a) a provisional order of variation mentioned in clause (b) of the definition of “**provisional order of variation**” in section 2; or
- (b) a document from a reciprocating jurisdiction corresponding to a support variation application described in subsection 25(2). (« *requête en modification de l'ordonnance alimentaire* »)

2002, c.I-10.03, s.28.

Notice of hearing

29(1) If the designated authority receives a support variation application from an appropriate authority in a reciprocating jurisdiction together with information that the respondent is habitually resident in Saskatchewan, the designated authority shall serve on the respondent, in accordance with the regulations:

- (a) a copy of the support variation application; and
- (b) a notice requiring the respondent to appear at a place and time set out in the notice and to provide the information or documents required by the regulations.

(2) If the designated authority has not served the respondent in accordance with subsection (1) and knows or believes that the respondent is habitually resident in another reciprocating jurisdiction in Canada, the designated authority shall:

- (a) send the support variation application to the appropriate authority in that other reciprocating jurisdiction; and
- (b) notify the appropriate authority in the originating reciprocating jurisdiction that it has done so.

(3) The designated authority shall return the support variation application to the appropriate authority in the originating reciprocating jurisdiction with any available information respecting the respondent's location and circumstances if the designated authority:

- (a) is unable to determine where the respondent resides; or
- (b) has not served the respondent in accordance with subsection (1) and knows or believes that the respondent is habitually resident in a jurisdiction outside Canada.

2002, c.I-10.03, s.29; 2012, c.18, s.20.

Information that Saskatchewan court shall consider

30(1) When a support variation application comes before a court in Saskatchewan, the court in making an order shall consider:

- (a) the evidence provided to the court; and
 - (b) the information and documents sent from the reciprocating jurisdiction.
- (2) If the court requires further information or documents from the applicant to make a support variation order, the court:
- (a) shall direct the designated authority to request the information or documents from the applicant or the appropriate authority in the reciprocating jurisdiction; and
 - (b) shall adjourn the hearing and may, if the court considers it appropriate, make an interim support variation order.
- (3) If the court does not receive the information or documents mentioned in subsection (2) within 12 months after the date of the request, the court may dismiss the support variation application and terminate an interim support variation order made pursuant to clause (2)(b).
- (4) The dismissal of a support variation application pursuant to subsection (3) does not preclude the applicant from commencing a new support variation application.
- (5) If the court directs the designated authority to request further information from the applicant pursuant to subsection (2), the court may order that the oral evidence of any witness may be taken by telephone if:
- (a) the parties consent; or
 - (b) in the opinion of the judge, it is necessary to ensure a fair hearing.
- (6) If taking evidence by telephone is or becomes unsatisfactory, 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 that the judge considers appropriate.
- (7) Unless the court orders otherwise, the designated authority shall file with the court all written material to which the witness intends to refer.

2002, c.I-10.03, s.30; 2012, c.18, s.21.

Choice of law

31(1) In determining entitlement to receive or to continue to receive support for a child, and the amount of that support, the court shall first apply Saskatchewan law, but if pursuant to Saskatchewan law the child is not entitled to support, the court shall apply the law of the jurisdiction where the child is habitually resident.

(2) **Repealed.** 2012, c.18, s.22.

(3) In determining the entitlement of a party other than a child to receive or to continue to receive support and the amount of that support, the court shall first apply Saskatchewan law, but if under Saskatchewan law the party is not entitled to support, the court shall apply:

- (a) the law of the jurisdiction in which the party is habitually resident; or
- (b) if the party is not entitled to support under the law of the jurisdiction mentioned in clause (a), the law of the jurisdiction in which the parties last maintained a common habitual residence.

2002, c.I-10.03, s.31; 2012, c.18, s.22.

Order

32(1) On the conclusion of a hearing, the court may, with respect to a party, a child or both:

- (a) make a support variation order;
- (b) make an interim support variation order and adjourn the hearing to a specified date;
- (c) adjourn the hearing to a specified date without making an interim support variation order; or
- (d) refuse to make a support variation order.

(1.1) A support variation order must specify the law applied pursuant to section 31, and, if the order does not specify the law applied, the order is deemed to have been made pursuant to Saskatchewan law.

(2) The court may direct that payments under a support variation order begin from a date earlier than the date of the support variation order.

(3) A support variation order may require support to be paid in periodic payments, as a lump sum or both.

(4) If the court refuses to make a support variation order, the court shall give reasons for its order.

2002, c.I-10.03, s.32; 2012, c.18, s.23.

Order if notice not complied with

33 If the respondent does not appear as required in the notice or does not provide the information or documents required pursuant to clause 29(1)(b), the court may make an order in the absence of the respondent or in the absence of the information or documents, as the case may be, and in making the order may draw any inference the court considers appropriate.

2002, c.I-10.03, s.33.

Forwarding order

34 The designated authority shall:

- (a) if the respondent does not appear as required, send a copy of the order to the respondent in accordance with the regulations; and
- (b) send a copy of an order made pursuant to this Division and reasons, if any:
 - (i) to the appropriate authority in the reciprocating jurisdiction in which the applicant is habitually resident; and
 - (ii) if the support order was originally made in another reciprocating jurisdiction, to the appropriate authority in that jurisdiction.

2002, c.I-10.03, s.34; 2012, c.18, s.24; 2022, c.14, s.13.

DIVISION 3
Variation of Registered Orders

Jurisdiction

35(1) The court may vary a support order made in Saskatchewan pursuant to Part II or registered in Saskatchewan pursuant to Part III or the former Act:

- (a) if both the applicant and respondent accept the court's jurisdiction;
- (b) if both the applicant and respondent are habitually resident in Saskatchewan; or
- (c) if the respondent is habitually resident in Saskatchewan and the support order was registered by the applicant pursuant to Part III or the former Act.

(2) *The Family Maintenance Act, 1997* applies for the purposes of varying a support order in the circumstances mentioned in subsection (1), as if the order being varied were an order for support pursuant to that Act.

2002, c.I-10.03, s.35; 2012, c.18, s.25.

PART V Appeals

Appeals

36(1) With leave of a judge of the Court of Appeal, a party to a proceeding pursuant to this Act or the designated authority may appeal to the Court of Appeal any ruling, decision or order of the court made pursuant to this Act.

(2) Notice of an application for leave to appeal must be served and filed within 90 days after the date of the ruling, decision or order of the court, unless the period is extended by a judge of the Court of Appeal before or after the 90-day period has expired.

(3) Within 30 days after receiving notice of an application for leave to appeal pursuant to subsection (2), a person responding to the application may seek leave of a judge of the Court of Appeal to appeal a ruling, decision or order of the court in the same proceeding”.

(4) An order under appeal remains in force pending the determination of the appeal unless the court or a judge of the Court of Appeal orders otherwise.

(5) The designated authority shall send a copy of a decision made pursuant to this section:

(a) to the appropriate authority in the reciprocating jurisdiction in which a party to the proceeding is habitually resident; and

(b) if the support order affected by the appeal was originally made in another reciprocating jurisdiction, to the appropriate authority in that jurisdiction.

2002, c.I-10.03, s.36; 2012, c.18, s.26; 2021, c.21,
s.3.

PART VI General

Appointment of designated authority

37(1) The minister may appoint a person to act as the designated authority in Saskatchewan for the purposes of this Act or any provisions of this Act.

(2) A person appointed pursuant to subsection (1) may delegate any power or duty pursuant to this Act to any other person.

2002, c.I-10.03, s.37.

Request to locate

37.1(1) If the designated authority receives a request to locate from an appropriate authority in a reciprocating jurisdiction, the designated authority may take any steps it considers appropriate for the purpose of obtaining information with respect to the whereabouts of the person named in the request.

(2) The designated authority may respond to a request to locate by advising the appropriate authority in the reciprocating jurisdiction whether the person has been located in Saskatchewan, but must not disclose specific information respecting the location of the person.

2012, c.18, s.27.

Transmission of documents

38(1) On receipt of an order or document to be sent to a reciprocating jurisdiction, the designated authority shall send the order or document to the appropriate authority in the reciprocating jurisdiction.

(2) The designated authority may send the order or document mentioned in subsection (1) electronically with the approval of the appropriate authority in the reciprocating jurisdiction.

(3) Subject to the regulations, the designated authority may receive orders or documents sent to it electronically from an appropriate authority in a reciprocating jurisdiction.

2002, c.I-10.03, s.38; 2022, c.14, s.14.

Right of subrogation

39 If any government or agency of a government is providing or has provided financial assistance to a person, it has, for the purpose of obtaining reimbursement of that financial assistance or obtaining continuing support for that person, the same rights as that person to commence or participate in proceedings pursuant to this Act.

2002, c.I-10.03, s.39.

Terminology

40 If, in a proceeding pursuant to this Act, a document received from a reciprocating jurisdiction contains terminology different from the terminology in this Act, or contains terminology or is in a form different from that customarily in use in the court, the court shall give a broad and liberal interpretation to the terminology or form so as to give effect to the document.

2002, c.I-10.03, s.40.

Regularity of proceedings, etc., presumed

41 For the purposes of this Act, it is presumed, unless the contrary is established, that:

- (a) procedures taken in a reciprocating jurisdiction have been regular and complete;
- (b) a court making an order in a reciprocating jurisdiction had jurisdiction to do so; and
- (c) the jurisdiction is recognized under the conflict of laws rules of Saskatchewan.

2002, c.I-10.03, s.41.

Law of reciprocating jurisdiction

42(1) In a proceeding pursuant to this Act:

- (a) the court shall take judicial notice of the law of a reciprocating jurisdiction and, when required, apply it; and
 - (b) an enactment of a reciprocating jurisdiction may be pleaded and proved by producing a copy of the enactment received from the reciprocating jurisdiction.
- (2) In a proceeding pursuant to this Act, a document purporting to be signed by a judge, officer of a court or public officer in a reciprocating jurisdiction is, unless the contrary is proved, proof of the appointment, signature and authority of the person who signed it.
- (3) Statements in writing sworn to by the maker and depositions and transcripts of evidence taken in a reciprocating jurisdiction may be received in evidence by a court in Saskatchewan pursuant to this Act.

2002, c.I-10.03, s.42.

Other remedies

43 This Act does not impair any other remedy available to a person, the Province of Saskatchewan, a province or territory of Canada, a jurisdiction outside Canada or a political subdivision or official agency of the Province of Saskatchewan, of a province or territory of Canada or of a jurisdiction outside Canada.

2002, c.I-10.03, s.43.

Regulations

44(1) If the Lieutenant Governor in Council is satisfied that laws are or will be in effect in a jurisdiction for the reciprocal enforcement of support orders made in Saskatchewan on a basis substantially similar to this Act, the Lieutenant Governor in Council may make regulations declaring that jurisdiction to be a reciprocating jurisdiction.

(2) In declaring a jurisdiction to be a reciprocating jurisdiction pursuant to subsection (1), the Lieutenant Governor in Council may impose any conditions with respect to the enforcement and recognition of support orders made or registered in that jurisdiction.

(3) The Lieutenant Governor in Council may make regulations:

- (a) respecting notices, information or documents required by this Act;
- (b) respecting the service or giving of notices, information or documents pursuant to this Act;
- (c) respecting proceedings pursuant to this Act;
- (d) respecting forms for the purposes of this Act;
- (e) respecting the conversion of amounts of support to Canadian currency;

- (f) prescribing acceptable means of electronic communication for the taking of evidence pursuant to subsections 10(5) and 30(5);
- (g) respecting any other matter the Lieutenant Governor in Council considers necessary or advisable to carry out the intent of this Act.

2002, c.I-10.03, s.44.

PART VII

Repeal, Transitional, Consequential Amendments and Coming Into Force

S.S. 1996, c.R-4.2 repealed

45 *The Reciprocal Enforcement of Maintenance Orders Act, 1996* is repealed.

2002, c.I-10.03, s.45.

Transitional

46(1) An order made or registered pursuant to the former Act continues to be valid and in force and may be varied, enforced or otherwise dealt with pursuant to this Act.

(2) If a provisional order or a provisional order of variation or rescission was received from a reciprocating state and notice of a confirmation hearing was given to the respondent pursuant to the former Act before this Act came into force, that provisional order or provisional order of variation or rescission must be dealt with in accordance with the former Act as if the former Act had not been repealed.

(3) If a final order received for registration under the former Act was registered in the court pursuant to the former Act before this Act came into force:

(a) notice of the registration must be given to the respondent in accordance with the former Act as if the former Act had not been repealed; and

(b) an application to set aside the registration of that final order must be dealt with in accordance with the former Act as if the former Act had not been repealed.

(4) An application for a provisional order, or for a provisional order of variation or rescission, that was made pursuant to the former Act by a person habitually resident in Saskatchewan may be continued as if the former Act had not been repealed.

(5) If, on the coming into force of this Act, a final order received for registration under the former Act has not been registered in the court, that final order must be dealt with in accordance with this Act as if it were an extraprovincial order or foreign order, as the case may be, received pursuant to Part III.

c. I-10.03

INTER-JURISDICTIONAL SUPPORT ORDERS

(6) If a provisional order or a provisional order of variation or rescission was received under the former Act and notice of a confirmation hearing was not given to the respondent before this Act came into force, that provisional order or provisional order of variation or rescission must be dealt with in accordance with this Act as if the order was received under Part II or Part IV, as the case may be.

(7) Any jurisdiction declared to be a reciprocating state in regulations made pursuant to the former Act is deemed to be declared a reciprocating jurisdiction pursuant to this Act.

2002, c.I-10.03, s.46; 2012, c.18, s.28; 2015, c.22, s.12.

47 to 49 **Dispensed.** These sections make consequential amendments to other Acts. The amendments have been incorporated into the corresponding Acts.

Coming into force

50 This Act comes into force on proclamation.

2002, c.I-10.03, s.50.