

## Introduction and General Information

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For many families one of the hardest parts of life to deal with is money. When a family splits up or the parents of a child don't live together, sorting out questions about family support, or maintenance, can be difficult. When one of the partners is in a different province, territory, or country, a whole new set of challenges is created.

That's why the *Inter-jurisdictional Support Orders Act* exists. The *Act* gives you a way to ask a court to decide about the financial support part of your family relationship, even though the other person lives outside Manitoba in a "reciprocating jurisdiction". The forms are a way to organize the information the court needs. The FormSupport guides will help you prepare your application.

### What's a reciprocating jurisdiction?

Manitoba has agreements with many different places to honour and recognize each other's support laws and orders. They include all the Canadian provinces and territories, all of the United States, and several other foreign countries. These agreements mean that a person can start an application in Manitoba and an order can be made, or changed, or enforced, where the other person lives. The order is 'good' in both places. You can contact the **Designated Authority** at **Manitoba Justice** to find out if a particular foreign country is a "reciprocating jurisdiction".

[Toll Free in Manitoba: 1-800-282-8069 (Ext. 0268). In Winnipeg and outside Manitoba: (204) 945-0268].

Canadian provinces and territories have developed standard laws and forms for the whole country. These laws will be in effect in some provinces and territories sooner than in others. Because of this, there may be some additional requirements where the new law is not yet in effect in the province or territory where the other person in your case lives. Some foreign reciprocating jurisdictions, such as the United States and other foreign countries, may also have additional requirements. You should contact the **Designated Authority** at the number listed above to find out if any additional documents or procedures are required for your application.

### Will this apply to my case?

Probably. But it may not. If the other person is in one of the 'reciprocating jurisdictions', you can use the forms, but in some circumstances as mentioned above, there may be additional requirements. Your application must be about support (maintenance). Applications about custody or property, for example, cannot be dealt with through this process.

If you and the other person are divorced and you want to change an order made under Canada's *Divorce Act*, this is not the application for you. The *Divorce Act* is a federal law. It has its own rules about making and changing its orders. You may wish to talk to a lawyer if you want to change your *Divorce Act* order.

### Are there other ways of doing this?

Yes, there are. If both of you agree, you can choose to apply to one court, or another. It's as though you both lived in one province, territory, or country. This is often difficult to do without a lawyer. The order could then be 'registered' in the other place. When registered, the order has the same effect as if it is made in both places. This is another thing that 'reciprocating jurisdictions' have agreed to do.

Or, if you both agree, you can write a formal agreement. If you decide to do this, you may wish to talk to a lawyer to make sure that the agreement can be 'registered' in both places, and will be legal and enforceable both in Manitoba and in the jurisdiction where the other person lives.

**Mediation** may also be an option for you. Usually, mediation happens when both people can sit down together with a mediator. With the two of you in different places, it may be more difficult to arrange this. But if you and the other person want to come to your own agreement about support, you can contact Family Mediation Services to see if mediation could work for you.

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### Isn't there an easier way to do this?

Unfortunately, no. You are asking a court in a different province, territory, or country to make an order for you. To do that the court needs evidence. You are not going to be there, so your documents will speak for you. The forms that you fill out are designed to help you in putting all of the information that the judge in the other jurisdiction will want to know. Putting the documents together is not something you can do in an evening. You must decide whether you want to put in the time and effort to give the court what it needs. The FormSupport guides are to help you. If you have legal questions, you may need to talk to a lawyer.

### Getting started

The first step is to look at the charts below this section. The first one is about the forms you need to make a support application. It lists the types of support, and the forms for each type. You should make an extra copy of each of the forms, and will need one copy of the matching FormSupport guide. Mark one copy of each of the forms as your 'working' copy. Put the other copy aside – it is your 'good' copy.

Below each chart there are examples. They may help you decide if you have the right forms for your application.

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### FOR SUPPORT

Use this part if you *do not* have a support (maintenance) order now. You are the 'claimant'; the other person is the 'respondent'.

If your claim is for	Fill out Form(s)
Any application for support	A and B
A determination that the respondent is the parent of the child(ren) named in your application. This is about 'parentage'. The court will want to declare (include in the order) that the other person is a parent who has a duty to support a child. See the guide for Form C to find out if you need Form D for your application.	C, and D if necessary.
Child support	E and F
That the respondent obtain and maintain medical and/or dental insurance coverage for the child(ren) and/or yourself	E and F
Child support for a child over the age of majority (age 18 in Manitoba)	G and L (1 form for each child)
Child support if you and the respondent have split, or shared, custody	G
Child support if you are making a claim for an order that is <b>not</b> according to the child support guidelines tables, because that amount would cause you or the child(ren) undue hardship	G
Child support, when the respondent makes over \$150,000 per year	G
Special expenses, for childcare, health, insurance, extracurricular, or education expenses for a child or children	H
Support for yourself	J and F
If you choose <b>any</b> of Forms G, H, or J	K

**Examples:**

1. Cathi is asking for an order that Ryan pay support for their child, Emma who is 7. Cathi is not asking for support for herself, and Emma has no 'special expenses' for health, education, or for child care. Cathi will fill out Forms A, B, C, E, and F. *Unfortunately, Wai Lun has not been paying what he promised. Mai is going to ask the court in the 'reciprocating jurisdiction' to make a support order. For Mai, there will be a lot of forms to fill out. She will use Forms A, B, C, E, F, G, L, and K.*
2. In another example, Wai Lun and Mai separated a few months ago, and Wai Lun moved to a 'reciprocating jurisdiction'. He said he would pay support for the 15-year old, and for the 19-year old who lives at home and is going to school. He was also going to pay support for Mai – she has worked part-time for many years. The younger child has a disability and needs medicine, physical therapy, and goes to a private school which can handle his needs.
3. Michael and Lee were together for over 10 years, and have two children. They adopted the 8-year old, and the 12-year old is from a former relationship Michael had. Lee always acted as a parent to the older child. Michael is asking the court in Lee's 'reciprocating jurisdiction' to make a support order for both children. He will fill out Forms A, B, C, D, E, and F.

**For SUPPORT VARIATION**

Use this part if you *have* a support order or written agreement now, and you want to change it. You are the 'applicant'; the other person is the 'respondent'.

**If you are a support Recipient (the person receiving support)**

<b>If your claim is to change or end an order</b>	<b>Fill out Form(s)</b>
Any application to change or end a support order	A, B, and M
For the amount of child support	E and F
Child support for a child over the age of majority (age 18 in Manitoba)	G and L (1 form for each child)
Child support if you and the respondent have split, or shared, custody	G
Child support if you are making a claim for an order that is <b>not</b> according to the child support guidelines tables, because that amount would cause you or the child(ren) undue hardship	G
Child support, when the respondent makes over \$150,000 per year	G
Special expenses, for childcare, health, insurance, extracurricular, or education expenses for a child or children	H
Support for yourself	J and F
If you choose <b>any</b> of Forms G, H, or J	K

**If you are a support Payor (the person paying support)**

<b>If your claim is to change or end an order</b>	<b>Fill out Form(s)</b>
Any application to change or end a support order	A, B, K, and M
If you want the court to make an order even if the respondent does not go to court or file documents	F
For child support for a child over the age of majority (age 18 in Manitoba)	I
For child support if you and the respondent have split, or shared, custody	I
To change the amount of child support you pay if you are making a claim for an order that is <b>not</b> according to the child support guidelines tables, because that amount would cause you or your family undue hardship	I

### Examples:

4. *Trina has learned that Suresh has now finished his training, and has a well-paid permanent job in his 'reciprocating jurisdiction'. The order for support for their 2 young children was made using the child support guidelines. It was based on the income Suresh had when he was a student. Trina would like a new order, according to the income Suresh has now. She will use Forms A, B, E, F, and M.*
5. *In another example, Gordon and Lisa have a support order which they got soon after they separated. Gordon moved to Manitoba and has a good job, but was laid off. After being out of work for 6 months, he now has a new job, but it doesn't pay as well, and he has child support arrears and other debts and can't keep up with the payments. He is asking the court to change the amount of support he pays. He believes the child support guidelines table amount will cause his new family undue hardship. He will use Forms A, B, F, I, K, and M.*
6. *And finally, Roger wants to stop paying Cecile support for their son, Martin. Martin is only 17, but he has dropped out of school, has left home and is living with his girlfriend. He is working full-time. Roger asks to pay support for the two younger children, still living with their mother, at the child support guidelines amount for his income. But he wants the support for Martin to end as of the date Martin quit school. Roger will fill out Forms A, B, F, K, and M.*

### When you have all the forms you need

First, make sure you have a 'working' copy of each of the forms, and put a 'good' copy aside. When you have filled out your 'working' copy, and put together the documents you need, then you can write on your 'good' copy. Use the FormSupport guide that goes with each form – it has information you need.

When you fill in the 'good' copy of each form, be sure to sign each of them, except Form A. Your whole application package will be 'sworn' (see the next section), but the courts like to see a signature showing that you have thought about each claim you make, and about the facts to support your statements.

Your application forms are not something you can, or should, do in a hurry. You are taking an important

step for yourself and your family. Take your time, and give this task the effort it deserves.

### Swearing / Affirming your application

The information you have put in your forms is part of your application. Any documents you attach to the forms are part of the application too. Your application – the whole package – is evidence. Remember, you will not be at court in the 'reciprocating jurisdiction'. Your application package will speak for you.

If you *were* in court, you would give your evidence under oath. You would have to swear (using the Bible) or affirm (a formal promise, without a connection to religion) that what you are saying is true. This step is very serious. It goes far back in history. Giving sworn or affirmed evidence is an important part of any court action.

But you will not be in court, and your application package will speak for you. For that to happen, it must be sworn or affirmed. When your application package is complete, these are the steps you follow:

1. Make sure you have all the Forms for your application, and any documents that go along with them.
2. *Do not* sign Form A. It is the Form which will be sworn.
3. Have you signed the bottom, or last page, of each of the Forms, except Form A?
4. Put the Forms and documents in order, from the first letter (A) to the last one you used. *Do not* include the FormSupport guides – they are not part of your application.
5. Make one photocopy of your whole application – Forms, documents, and any other papers you are including with your application. Make the copy on one side of white paper only. Use a paperclip (not a staple) to keep the copy together.
6. Your completed application now needs to be sworn or affirmed. If a lawyer has helped you to prepare your application and is a Notary Public, your application can be sworn before your lawyer before being submitted to the Designated Authority.
7. If you have prepared the application on your own, your application can be sworn before the Designated Authority when you submit it. Or, if you prefer, you may take it to a Notary Public on

your own (see Yellow Pages listings). Take your original package (all your Forms and documents), and the photocopy of the whole package. It may not be required, but take along photo identification if you have it.

8. You should swear the *photocopy* of your package, but should be able to show that you have all the original documents, and that the photocopy is a true copy of the original.
9. You will be asked if you swear or affirm that you have read the documents and that the contents are true. If you say yes, you will be asked to sign on the last page of Form A. When you have signed, the Designated Authority (or your lawyer or a Notary Public) will fill in part of the form, sign it, and 'seal' the page with a tool that puts a raised stamp on the page.

You now have two important packages of documents.

### **Original Documents**

This is the package of documents you filled out. It includes all the signed Forms, and any other evidence. Put the original package aside in a safe place. In the very unlikely event that your documents are lost in the mail, you can 're-create' your application with these originals.

### **Sworn Original**

The sworn package – the photocopy of the whole application – is now the evidence that the court will use to make its order. It has your original signature on it, and it has been notarized. Once the package is sworn, *do not add any other documents to it, or make any changes.*

The court in the reciprocating jurisdiction needs three copies of your application package. It needs the sworn original, and two photocopies of it. Make two photocopies of the whole sworn original package. (If you want to keep a copy for yourself, make an extra copy.)

### **Where do I take my completed application?**

If you have sworn your application before a lawyer, you or your lawyer will need to take your completed support application package to the Designated Authority at the court office nearest to you. The Designated Authority has a legal duty to review documents to make sure they are complete, and to arrange for them to be sent to the appropriate

authority in the reciprocating jurisdiction. The Designated Authority cannot give you legal advice, or tell you what should go in your application.

If your application has been sworn before a lawyer or Notary Public, take your sworn original and two photocopies of the sworn original to the Designated Authority.

### **What happens next?**

The Designated Authority will review your application package. He or she will check that the package is complete, with enough copies, and includes all the forms you checked off on Form A. They will not check your facts, or your addition. If there is something missing, the Designated Authority will send the package back to you with a form letter saying what is needed. This is why it is so important to check your forms and documents. If the package comes back, you will have to have it sworn again. Your application will also be delayed.

If the application package is complete, the Designated Authority will send it to the reciprocating jurisdiction. When it is sent away, you will get a letter saying it has been sent.

Your package will be reviewed again when it gets to the reciprocating jurisdiction. If more information is needed, the reciprocating jurisdiction will contact you directly, or may contact the Designated Authority in Manitoba. When everything is complete, the package goes to court.

### **At the reciprocating court**

The respondent (the other person) will receive formal notice that you have made an application to the court. The respondent will get a copy of your application. A court date is set, and the respondent is told to file a package of sworn documents at the reciprocating court.

On the court date a Judge will look at the package of documents you sent, along with any documents the respondent filed. If the respondent is at court (with or without a lawyer), the court may hear sworn evidence from the respondent. The Judge can then make an order.

**Note:** Sometimes the Judge will want more information from you before making an order. This may be to get more up-to-date information. Or the respondent might say something in court and the

Judge wants to hear what you have to say. If this happens, the court will make a 'Request for Further Information' saying what it needs from you. The court officials will send this document directly to you, or to the Designated Authority. If you receive a request for further information and do not know what you should do with it, contact the Designated Authority. What you send back must be sworn, so if you are not certain how to proceed, find out. The court case will continue when you return the information. If you don't send the requested further information within the time specified by the other jurisdiction, your application may be dismissed.

### **The Court Order**

When the court has all the information it needs, it will make an order. The order will be prepared, and you will receive a copy from the Designated Authority.

*It is important that you know this fact:* just because you ask for something, doesn't mean you will get it.

You have asked the court to make decisions for you about the financial part of your family life. You may have taken this step because you and the respondent can't work things out between you. The court will look at all the information it is given, and will make a decision on your application. It's what you have asked the court to do. The court may give reasons for making a particular order, and you will get a copy of those reasons. If you do not agree with the order, or think that the court did not have all the facts, you can make another application.

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If you have looked through the Forms and FormSupport guides, you know that you have a lot of work to do. Take it one step at a time, don't rush, and be sure to include all the information the court needs. Know that there are no guarantees, but that, with care and attention to detail, you can prepare a reciprocal package on your own. You are doing this for yourself, and your family.