



SUPREME COURT OF NEWFOUNDLAND AND LABRADOR

NOTICE TO THE PROFESSION AND GENERAL PUBLIC: UPCOMING RULE AMENDMENTS

The Rules Committee of the Supreme Court has recently approved amendments to the *Rules of the Supreme Court, 1986*. These amendments were published in the Newfoundland and Labrador Gazette on December 27, 2024, and will come into force on January 20, 2025.

SUMMARY OF AMENDMENTS

Rule 6A—Service by Electronic Transmission or Fax

Rule 6A has been amended to remove and replace references to “service by telecopier” with “service by electronic transmission or fax.” The amended Rule outlines that a party may include a fax number, email address, or account with an electronic document delivery service along with their address for service. It further explains how a party may effect service through fax and electronic means where the other party has provided the respective service information. It also introduces default limits on the kinds of documents that can be served in this manner.

Rule F4A—Notice of Intention to Proceed after Twelve Months’ Delay

The amendments create Rule F4A to govern Notices of Intention to Proceed after Twelve Months’ Delay to account for circumstances more specific to family law proceedings. Previously, Rule 3.04 under Part I applied to family law matters; the new Rule more appropriately addresses common situations in family law, where it is not unusual for files to lie dormant for considerable lengths of time before parties choose to proceed.

Rule F15.03(1)(c)—Cost Consequences for Interim Applications

The *Family Law Rules* have been amended to explicitly reference the Court’s ability to order cost consequences on an Interim Application where the issue in dispute did not require timely resolution.

Rules F15.03(1)(d) and F18.03(1.1)—Leave Requirement: Interim Applications for Contempt and Mobility Orders

The *Family Law Rules* have been amended to introduce explicit leave requirements before a party can file an Interim Application seeking a contempt order or an order permitting relocation of a child.

Rule F16A—Interim Applications under the *Family Orders and Agreements Enforcement Assistance Act*

The amendments introduce a process for parties wishing to make an application for an order under the *Family Orders and Agreements Enforcement Assistance Act* (Canada) (“*FOAEAA*”). The Rule and associated Affidavit Forms incorporate the potential requests that an individual may make to the Court when seeking an order under *FOAEAA*.

The Rule provides guidance on when a party may make an application to Court under the legislation, the specific Form to be completed depending on the order the party is seeking, how to respond to an Application and reply to a Response, and the nature of the orders the Court may make when it receives an Application.

Rule F17.01—Emergency Interim Applications

Amendments to the Rule define, for the purposes of the Rule itself, the term “emergency” on an objective basis. The amendments also outline with greater specificity the necessary prerequisites before the Court can grant an Emergency Application.

Rule F32.02—Format for Affidavits

Subrule F32.02(3) has been amended for greater clarity. The amended Rule specifies that the total number of pages attached to an affidavit in a family law proceeding shall not exceed 10 pages.

New and Revised Forms

The following forms were added: F4A.01A; F16A.03A; F16A.03B; F16A.03C; F16A.04A; F16A.04B; and F16A.04C.

- Notice of Intention to Proceed after Twelve Month’s Delay: Form F4A.01A has been created for parties to comply with the requirements of the new Rule F4A.
- Affidavits in support of an application under *FOAEAA*: Forms F16A.03A, F16A.03B, F16A.03C, F16A.04A, F16A.04B, and F16A.04C provide affidavits that parties are to use when making an application pursuant to *FOAEAA*. The affidavits facilitate applications when parties are looking for the release of information to establish or vary a support provision, enforce a support provision, or enforce another allowable family provision, which application may either be brought *inter partes* or *ex parte*.

The following forms were amended: 6.14A; F16.03A; F17.03A; F26.02A; F34.02A; and F35.03A

- Amendments to instructions: The instructions to Forms F16.03A, F17.03A, and F26.02A have been amended to refer to the requirement that parties filing these documents are likewise obligated to file a draft order. The instructions to Form F17.03A have been further amended to increase clarity and specificity.
- Consent Order—Support (Family Law): Form 26.02A has been amended to reduce errors in the administration of support orders. Further amendments add a standard clause with respect to recalculation in shared or hybrid parenting situations and provide an accompanying Recalculation Form as a schedule.
- Miscellaneous amendments: Form 6.14A, the Affidavit for Service, has been amended to refer to documents left with a party’s solicitor as an alternative to personal service. Form F35.03A, the Notice of Inter-Jurisdictional Support Application (Family Law), has been amended to provide space for a hearing date on the Notice itself.

FURTHER INFORMATION

If you have any questions regarding these recent amendments, please direct them to the Supreme Court’s inquiries email address: inquiries@supreme.court.nl.ca.

RAYMOND P. WHALEN
Chief Justice