

How to draft an Order

Instructions

An **Order** is a document that sets out the decision made by a judge. Sometimes, a judge or Registry staff may ask that you or your lawyer write out an order for the Court.

This **Order template** is for orders made under the *Family Orders and Agreements Enforcement Assistance Act*, RSC 1985, c. 4 (2nd Supp) (“FOAEAA”) in relation to the enforcement of a support provision. If the Court asks you to provide a draft Order, you can use this **Order template** to help you draft the Order.

Completing Your Draft Order

You can fill out this form by hand or you can download and fill out this form electronically at <https://www.court.nl.ca/supreme/rules-practice-notes-and-forms/family/general/> (If you fill out the form electronically, you must still print the form and provide it to the Court).

Check off “*Inter Partes*” (on the first page) if the application was made with notice to the other party. Check off “*Ex Parte*” (on the first page) if the application was made without notice to the other party.

If you need more space to fill out any section of this form, attach an extra page and indicate which section is continued on the extra page.

Under clause 1 on Page 2 of the Draft Order, you do not need to insert the **Name/Title of the Court Official**. The Court will write in the appropriate Court Official.

More Information

Questions? Go to <https://www.court.nl.ca/supreme/family-division/> or contact a Court near you:

Corner Brook: (709) 637-2227

Gander: (709) 256-1115

Grand Bank: (709) 832-1720

Grand Falls-Windsor: (709) 292-4260

Happy Valley-Goose Bay: (709) 896-7892

St. John's: (709) 729-2258

--- It is highly recommended that you get advice from a lawyer ---

If you need help finding or getting a lawyer, you can contact:

Public Legal Information Association of NL (PLIAN): www.publiclegalinfo.com or 1 (888) 660-7788

Legal Aid: www.legalaid.nl.ca or 1(800) 563-9911

--- REMOVE THIS PAGE BEFORE FILING THE ORDER ---

Order (FOAEAA) – Enforce Support Provision (Family Law)



**In the Supreme Court of
Newfoundland and Labrador
(General/Family)**

FOR COURT USE ONLY
COURT FILE NO: _____
CENTRAL DIVORCE REGISTRY NO: _____
Filed at _____, Newfoundland and Labrador, this _____ day of _____, 20____.
_____ Registry Clerk of the Supreme Court of Newfoundland and Labrador

BETWEEN: _____ APPLICANT
(Print full name) CO-APPLICANT

AND: _____ RESPONDENT
(Print full name) CO-APPLICANT

AND: _____ NOT APPLICABLE
(Print full name) SECOND APPLICANT
 SECOND RESPONDENT
 CO-APPLICANT

Court order made under section 10 of the *Family Orders and Agreements Enforcement Assistance Act*

BEFORE the Honourable Justice _____, on _____.
(Print Name) (Date: month/day/year)

On the application of _____ made pursuant to section 7 of the *Family Orders and Agreements Enforcement Assistance Act*, R.S.C., 1985, c.4 (2nd Supp.) (FOAEAA) in relation to the enforcement of a support provision.

(Full name of party making the application)

This application was made *ex parte*:

- yes
- no

FOAEAA**THIS COURT IS SATISFIED THAT:**

Pursuant to section 10 of the *FOAEAA*,

- The sole purpose of the application is to obtain information to enforce a support provision;
- The order is not likely to jeopardize the safety or security of any person; and
- IN THE CASE OF AN *EX PARTE* APPLICATION, THE COURT IS ALSO SATISFIED THAT:**

In relation to the enforcement of a support provision, reasonable steps have been taken to locate the person in respect of whom the applicant is seeking to have a support provision enforced, and that person has not been located.

IT IS ORDERED THAT:

Pursuant to section 10 of the *FOAEAA*, in response to an application made pursuant to section 7 of that Act requesting this court to authorize one of its officials to apply to the Minister of Justice Canada to obtain information to assist with the enforcement of a support provision:

1. _____
(Name/Title of the court official)

is authorized to make an application to the Minister of Justice Canada pursuant to section 12 of the *FOAEAA* to search for and release to the court official only the information checked below relating to

(Name of person against whom a support provision is being enforced)

that can be found in federal information banks designated under section 2 of the *Release of Information for Family Orders and Agreements Enforcement Assistance Regulations*, SOR/2023-125:

- their address.
- the name and address of their employer.
- For the taxation year preceding the taxation year in which the application for the release of information is made,
 - information related to the person that is set out in their Income Tax and Benefit Return (T1), other than their Social Insurance Number and information set out only in the schedules. If the information for the taxation year preceding the taxation year in which the application for the release of information is made is not available, the information that is released is the information for the taxation year preceding that year.
 - information set out in their Notice of Assessment and Notice of Reassessment, other than their Social Insurance Number.
 - the name and address of each person and entity from which they received income and the amount of income received from each.

(Where appropriate)

2. Pursuant to section 13(3) of the *FOAEAA*, the information shall be disclosed to

_____ *(Name of person, service, body or official of the court)*

subject to the following provisions regarding the protection of the confidentiality of the information:

(Where appropriate, and where the application is made ex parte – without notice)

3. The Minister of Justice Canada

shall

shall not

under section 12.1 of the *FOAEAA*, send the person whose information is being sought a copy of this order and a notice informing them that information will be released.

FOR COURT USE ONLY

Order Issued at:

Location: Supreme Court in _____, Newfoundland and Labrador

Date: _____

Justice or Registry Clerk of the Supreme Court of Newfoundland and Labrador