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 establishment or variation 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	Grand Falls-Windsor: (709) 292-4260
Gander: (709) 256-1115	Happy Valley-Goose Bay: (709) 896-7892
Grand Bank: (709) 832-1720	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) – Establishment and Variation of 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 **(establishment or variation)** of a support provision.

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 establish or vary a support provision; and

☐   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 **(establishment or variation)** 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

☐   established
☐   varied

and that the 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 **(establishment or variation)** of a support provision:

   1. 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 sought or is to be varied*)

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:

☐   The person's address.

☐   The name and address of the person's employer.

☐   Information, other than their social insurance number, that is set out in the federal tax form(s) checked below, and that is requested for the following taxation year(s) unless otherwise specified beside the specific form:

_____
(*Specific taxation year(s) the information is requested*)

Federal Tax Form(s)	Year(s) requested (if different than above)
Basic Information	
□ Income Tax and Benefits Return (T1)	
□ Schedule 1 – Federal Tax	
□ Schedule 2 – Federal Amounts Transferred from your spouse or Common-Law Partner	
□ Schedule 3 – Capital Gains (or Losses)	
□ Schedule 4 – Statement of Investment Income	
□ Schedule 5 – Amounts for Spouse or Common-Law Partner and Dependants	
□ Schedule 6 – Canada Workers Benefit	
□ Schedule 7 – RRSP, PRPP, and SPP Unused Contributions, Transfers, and HBP or LLP Activities	
□ Schedule 8 – Canada Pension Plan Contributions and Overpayment	
□ Schedule 9 – Donations and Gifts	
□ Schedule 10 – Employment Insurance (EI) and Provincial Parental Insurance Plan (PPIP) Premiums	
□ Schedule 11 – Federal Tuition, Education, and Textbook Amounts and Canada Training Credit	
□ Schedule 12 – Home Expense Accessibility	
□ Schedule 13 – Employment Insurance Premiums on Self-Employment and Other Eligible Earnings	
□ Schedule 14 – Climate Action Incentive	
For non-resident and deemed residents:	
□ Schedule A – Statement of World Income (for Non-Residents and Deemed Residents of Canada)	
□ Schedule B – Allowable Amount of Non-Refundable Tax Credits (for Non-Residents of Canada)	
□ Schedule C – Electing Under Section 217 of the Income Tax Act (for Non-Residents of Canada)	
□ Notice of Assessment and Notice of Reassessment	
□ Statement of Trust Income Allocations and Designations (T3)	
□ Statement of Remuneration Paid (T4)	
□ Statement of Pension, Retirement, Annuity, and Other Income (T4A)	
□ Statement of Old Age Security (T4A(OAS))	
□ Statement of Canada Pension Plan Benefits (T4A(P))	
□ Statement of Distributions from a Retirement Compensation Arrangement (RCA) (T4A-RCA)	
□ Statement of Employment Insurance and Other Benefits (T4E) or Statement of Employment Insurance and Other Benefits (Quebec) (T4EQ)	
□ Statement of Employee Profit-Sharing Plan Allocations and Payments (T4PS)	
□ Statement of Income from a Registered Retirement Income Fund (T4RIF)	
□ Statement of RRSP Income (T4RSP)	
□ Statement of Investment Income (T5)	
□ Statement of Real Estate Rentals (T776)	
□ Statement of Employment Expenses (T777)	
□ Government Service Contract Payments (T1204)	
□ Statement of Farming Activities (T2042) and documents related to the AgriStability and AgriInvest programs	
□ Statement of Fishing Activities (T2121)	

□ Statement of Business or Professional Activities (T2125)	
□ Declaration of Conditions of Employment (T2200)	
□ Statement of Benefits (T5007)	
□ Statement of Securities Transactions (T5008)	
□ Statement of Partnership Income (T5013)	
□ Statement of Contract Payments (T5018)	

In the event that information is needed for the determination of a household's income in accordance with the applicable legislation,

☐   Information that is set out in the federal tax form(s) specified in the attached annex(es) A related to the person(s) identified below:

_____
(*Name of person*)

_____
(*Name of person*)

_____
(*Name of person*)

_____
(*Name of person*)

In the event that the person named in the section 7 application controls a corporation, directly or indirectly, within the meaning of subsection 256(5.1) of the *Income Tax Act*, RSC 1985, c.1 (5th Supp.) and whose information is required to

_____
(*Establish or vary*)

a support provision.

☐   Information that is set out in the federal tax form(s) specified in the attached annex(es) B related to the corporation(s) identified below:

_____
(*Name of the corporation*)

_____
(*Name of the corporation*)

_____
(*Name of the corporation*)

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

ANNEX A

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

Court order made under section 10 of the *Family Orders and Agreements Enforcement Assistance Act*
(authorizing a court official to request information for the establishment or variation of a support provision)

Information requested to determine household income in accordance with

_____
(*Name of applicable legislation*)

In relation to the application of _____
(*Full name of the party making application*)

made pursuant to section 7 of the *Family Orders and Agreements Enforcement Assistance Act*, R.S.C., 1985, c.4 (2nd Supp.) (FOAEAA) for the purpose of _____
(*establishing or varying*)

a support provision (**Name/Title of court officer**) can request information related to

_____
(*Name of person against whom a support provision is sought or is to be varied*)

that is set out in in the following federal tax form(s) checked below and that can be found in federal information banks prescribed in section 2 of the *Release of Information for Family Orders and Agreements Enforcement Assistance Regulations*, SOR/2023-125:

☐   The information that is set out in the federal tax form(s) checked below is requested for the following taxation year(s) unless otherwise specified beside the specific form:

_____
(*Specific taxation year(s) the information is requested*)

Federal Tax Form(s)	Year(s) requested (if different than above)
Basic Information	
□ Income Tax and Benefits Return (T1)	
□ Schedule 1 – Federal Tax	
□ Schedule 2 – Federal Amounts Transferred from your spouse or Common-Law Partner	
□ Schedule 3 – Capital Gains (or Losses)	
□ Schedule 4 – Statement of Investment	
□ Schedule 5 – Amounts for Spouse or Common-Law Partner and Dependants	
□ Schedule 6 – Canada Workers Benefit	
□ Schedule 7 – RRSP, PRPP, and SPP Unused Contributions, Transfers, and HBP or LLP Activities	
□ Schedule 8 – Canada Pension Plan Contributions and Overpayment	
□ Schedule 9 – Donations and Gifts	
□ Schedule 10 – Employment Insurance (EI) and Provincial Parental Insurance Plan (PPIP) Premiums	
□ Schedule 11 – Federal Tuition, Education, and Textbook Amounts and Canada Training Credit	
□ Schedule 12 – Home Expense Accessibility	
□ Schedule 13 – Employment Insurance Premiums on Self-Employment and Other Eligible Earnings	
□ Schedule 14 – Climate Action Incentive	
For non-resident and deemed residents:	
□ Schedule A – Statement of World Income (for Non-Residents and Deemed Residents of Canada)	
□ Schedule B – Allowable Amount of Non-Refundable Tax Credits (for Non-Residents of Canada)	
□ Schedule C – Electing Under Section 217 of the Income Tax Act (for Non-Residents of Canada)	
□ Notice of Assessment and Notice of Reassessment	
□ Statement of Trust Income Allocations and Designations (T3)	
□ Statement of Remuneration Paid (T4)	
□ Statement of Pension, Retirement, Annuity, and Other Income (T4A)	
□ Statement of Old Age Security (T4A(OAS))	
□ Statement of Canada Pension Plan Benefits (T4A(P))	
□ Statement of Distributions from a Retirement Compensation Arrangement (RCA) (T4A-RCA)	
□ Statement of Employment Insurance and Other Benefits (T4E) or Statement of Employment Insurance and Other Benefits (Quebec) (T4EQ)	
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□ Statement of RRSP Income (T4RSP)	
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□ Statement of Employment Expenses (T777)	
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□ Statement of Fishing Activities (T2121)	
□ Statement of Business or Professional Activities (T2125)	
□ Declaration of Conditions of Employment (T2200)	

□ Statement of Benefits (T5007)	
□ Statement of Securities Transactions (T5008)	
□ Statement of Partnership Income (T5013)	
□ Statement of Contract Payments (T5018)	

In the event that the person named in the section 7 application controls a corporation, directly or indirectly, within the meaning of subsection 256(5.1) of the *Income Tax Act*, RSC 1985, c.1 (5th Supp.) and whose information is required to

_____
(*Establish or vary*)

a support provision,

□   Information that is set out in the federal tax form(s) specified in the attached annex(es) B related to the corporation(s) identified below:

_____
(*Name of the corporation*)

_____
(*Name of the corporation*)

_____
(*Name of the corporation*)

ANNEX B

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

<table>
<tr><td colspan="2" align="right">FOR COURT USE ONLY</td></tr>
<tr><td colspan="2">COURT FILE NO: _____</td></tr>
<tr><td colspan="2">CENTRAL DIVORCE REGISTRY NO: _____</td></tr>
<tr><td colspan="2">Filed at _____ , Newfoundland and Labrador, this _____ day of _____, 20_____.

_____
Registry Clerk of the Supreme Court of Newfoundland and Labrador</td></tr>
</table>

Court order made under section 10 of the *Family Orders and Agreements Enforcement Assistance Act*
(authorizing a court official to request information for the establishment or variation of a support provision)

Information requested concerning a person's corporation

In relation to the application of _____
<div align="center">(Full name of the party making application)</div>

made pursuant to section 7 of the *Family Orders and Agreements Enforcement Assistance Act*, R.S.C., 1985, c.4 (2nd Supp.) (FOAEAA) for the purpose of _____
<div align="center">(establishing or varying)</div>

a support provision (**Name/Title of court officer)** can request information related to

_____
<div align="center">(Name of the corporation)</div>

that is controlled directly or indirectly within the meaning of subsection 256(5.1) of the *Income Tax Act*, RSC 1985, c.1 (5th Supp.) by

_____
<div align="center">(Name of person against whom a support provision is sought or is to be varied)</div>

and that are set out in the federal tax form(s) checked below and that can be found in federal information banks prescribed in section 2 of the *Release of Information for Family Orders and Agreements Enforcement Assistance Regulations*, SOR/2023-125:

☐ The information that is set out in the federal tax form(s) checked below is requested for the following taxation year(s) unless otherwise specified beside the specific form:

_____
<div align="center">(Specific taxation year(s) the information is requested)</div>

Federal Tax Form(s)	Year(s) requested (if different than above)
□ T2– Corporation Income Tax Return	
□ Schedule 1 – Net Income (loss) for Income Tax Purposes	
□ Schedule 5 – Tax Calculation Supplementary – Corporations (this provides details of any provincial tax or credits)	
□ Schedule 6 – Summary of Dispositions of Capital Property	
□ Schedule 100 – Balance Sheet Information	
□ Schedule 50 – Shareholder Information	
□ Schedule 125 – Income Statement Information	