

JUDICATURE ACT

Rules of the Supreme Court, 1986

PRACTICE NOTE

P.N. (TD and UFC) No. 2009-01

DATE ISSUED	March 1, 2009
STATUTE AFFECTED:	Family Law Act, R.S.N.L. 1990, c. F-2, s. 42, 65(5)
RULES AFFECTED:	None
EFFECTIVE DATE:	Upon publication
PREVIOUS PRACTICE NOTES REVISED:	N/A

The following Practice Note was filed with the Registrar, as Secretary of the Rules Committee of the Trial Division and Unified Family Court, and is published consistent with rule 4.04 of the *Rules of the Supreme Court, 1986*:

FILING OF DOMESTIC CONTRACTS

Family Law Act, RSNL 1990 c.F-2

Background

1. There is inconsistent practice in Supreme Court of Newfoundland and Labrador, Unified Family Court and Trial Division, with respect to the filing of domestic contracts (marriage contracts, separation agreements, cohabitation agreements and paternity agreements) pursuant to the *Family Law Act*, RSNL 1990 c.F-2.
2. The inconsistent practice includes: filing the domestic contract with the court clerk with no supporting affidavit; filing the domestic contract with a supporting affidavit; and filing the domestic contract with a supporting affidavit and a draft Order. In some cases an order has been made by the court directing that the contract be filed in the court and in some cases the contract has been filed without an order.
3. In order to bring about consistency in family law practice in the courts throughout the Province, the following practice note has been prepared.

Practice Note

4. When a party wishes to file a domestic contract (including a marriage contract, separation agreement, cohabitation agreement or paternity agreement) in the Unified Family Court or the Trial Division, an affidavit must accompany the agreement proposed for filing.
5. The affidavit of at least one of the parties shall identify the agreement and state that it is in effect and has not been set aside or varied by a court or agreement of the parties.
6. The affidavit may take the form of the affidavit attached to this Practice Note as Schedule “A”.
7. The provisions of a domestic contract filed in this manner may, without more, be enforced as an order of the court in accordance with the provisions of the *Family Law Act*.

AUTHORIZED BY:

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Of Newfoundland and Labrador,
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Christopher Curran, Q.C.
Registrar of the Supreme Court &
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SCHEDULE "A"

IN THE SUPREME COURT OF NEWFOUNDLAND AND LABRADOR
TRIAL DIVISION/UNIFIED FAMILY COURT

In the matter of a Domestic Contract
pursuant to the Family Law Act

BETWEEN: Applicant

AND: Respondent

AFFIDAVIT PER SECTIONS 42 and 65(5) OF THE FAMILY LAW ACT

I, _____ of _____, Newfoundland and Labrador, make oath
and say that:

1. I have read the attached agreement between _____, and me and it
is in effect and has not been set aside or varied by a court or agreement of the parties.

Sworn to at _____
in the Province of Newfoundland and Labrador,
this _____ day of _____, 20____ before me:
