|  |  |
| --- | --- |
| **How to Request an Informal Trial** | **Instructions**  |

|  |  |  |  |
| --- | --- | --- | --- |
| In an **informal trial**, the strict rules of evidence may not apply. Both you and the other person can speak directly to the judge and the judge can ask you questions directly. Your ability to present witnesses is limited.You may request a trial date by using a **Request for an Informal Trial (Form F31.02A)**. Before you can file a **Request for an Informal Trial,** you must already have a scheduled date for a case management hearing. You can only have an informal trial if both you and the other person agree to the process. The judge at your case management hearing must also agree that your matter should proceed to an informal trial.**Completing a Request for an Informal Trial**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, file it with the Court, and serve a copy on the other person). You must fill out the entire form. If you require more space to fill out any section of this form, attach an extra page and indicate which section is continued on the extra page.**Filing a Request for an Informal Trial**You must make **2 extra copies** of your signed Request for an Informal Trial. To file your Request, bring the original Request form to the Supreme Court location where your family law file is or mail the Request to that Supreme Court location.**Serving a Request for an Informal Trial**You must give a copy of this Request form to the other person **at least 7 days** before your case management hearing date. This is called *service*. You can serve the other person by: personal service (an adult, who is not you, can hand-deliver the document), leaving a copy with the other person’s lawyer, leaving a copy at the other person’s address, registered mail/courier, or regular mail. You can also serve the other person using fax, email, or electronic document exchange, if the other person has provided that information.If the other person agrees to an informal trial, he/she must file their own Request for Informal Trial form and give you a copy. If the other person does not agree to the informal trial and instead wants a formal trial, he/she must file a **Request for Trial (Form F29.02A)** and give you a copy. **More Information**Questions? Go to <https://www.court.nl.ca/supreme/family-division/> or contact a Court near you:

|  |  |
| --- | --- |
| Corner Brook: (709) 637-2227Gander: (709) 256-1115Grand Bank: (709) 832-1720 | Grand Falls-Windsor: (709) 292-4260Happy Valley-Goose Bay: (709) 896-7892St. 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](http://www.publiclegalinfo.com) or 1 (888) 660-7788Legal Aid: [www.legalaid.nl.ca](http://www.legalaid.nl.ca) or 1(800) 563-9911 |

 |

**--- REMOVE THIS PAGE BEFORE FILING AND SERVING YOUR REQUEST ---**

|  |  |
| --- | --- |
| **How to Respond to a Request an Informal Trial** | **Instructions**  |

|  |  |  |  |
| --- | --- | --- | --- |
| You have been served with a **Request for an Informal Trial (Form F31.02A).**This means that the other person is asking the Court to decide your family law matter with an **informal trial.** In an informal trial, the strict rules of evidence may not apply. Both you and the other person can speak directly to the judge and the judge can ask you questions directly. Your ability to present witnesses is limited.You can only have an informal trial if both you and the other person agree to the process. The judge at your case management hearing must also agree that your matter should proceed to an informal trial.**Responding to a Request for Informal Trial**If you consent to an informal trial, you must complete your own Request for an Informal Trial form, file it with the Court, and give a copy to the other person. You can get this form at any Supreme Court location or online: <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, file it with the Court, and serve a copy on the other person). If you do not consent to an informal trial and want to request a formal trial, you must indicate that you do not consent on a Request for an Informal Trial form. You must also file a **Request for Trial (Form 29.02A)**. You can get this form at any Supreme Court location or online:<https://www.court.nl.ca/supreme/rules-practice-notes-and-forms/family/general/> (If you fill out the form online, you must still print the form, file it with the Court, and give a copy to the other person).**Filing a Request for an Informal Trial**You must make **2 extra copies** of your signed Request for an Informal Trial. To file your Request, bring the original Request form to the Supreme Court location where your family law file is or mail the Request to that Supreme Court location.**Serving a Request for an Informal Trial**You must give a copy of this Request form to the other person **at least 2 days** before your case management hearing date. This is called *service*. You can serve the other person by: personal service (an adult, who is not you, can hand-deliver the document), leaving a copy with the other person’s lawyer, leaving a copy at the other person’s address, registered mail/courier, or regular mail. You can also serve the other person using fax, email, or electronic document exchange, if the other person has provided that information.**More Information**Questions? Go to <https://www.court.nl.ca/supreme/family-division/> or contact a Court near you:

|  |  |
| --- | --- |
| Corner Brook: (709) 637-2227Gander: (709) 256-1115Grand Bank: (709) 832-1720 | Grand Falls-Windsor: (709) 292-4260Happy Valley-Goose Bay: (709) 896-7892St. 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](http://www.publiclegalinfo.com) or 1 (888) 660-7788Legal Aid: [www.legalaid.nl.ca](http://www.legalaid.nl.ca) or 1(800) 563-9911 |

 |

**Form F31.02A: Request for an Informal Trial**

**(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)* |  |
| AND: |  | RESPONDENT |
|  | *(Print full name)* |  |
| AND: |  | 🞎 NOT APPLICABLE🞎 SECOND APPLICANT🞎 SECOND RESPONDENT |
|  | *(Print full name)* |

|  |  |  |
| --- | --- | --- |
| I,  |  | the 🞎 Applicant 🞎 Respondent 🞎 Other: |
|  | *(Print your name)* |  |  |
|  |  |
| 🞏 am requesting an informal trial date.🞏 am responding to a request for an informal trial date. |

|  |  |
| --- | --- |
| **Consent and Waiver** |  |

|  |  |  |
| --- | --- | --- |
| I,  |  | the 🞎 Applicant 🞎 Respondent 🞎 Other (*specify*): |
|  | *(Print your name)* |  |  |
|  |  |
| 🞏 consent to an informal trial. *(Fill out the Consent and Waiver, and Parts A, B, C, D, and E)*🞏 do not consent to an informal trial. (*Fill out a Request for a Trial (Form F29.02A))* |

|  |
| --- |
| I agree to place responsibility for the conduct of the informal trial with the judge. |
| I agree that the strict application of the rules of evidence in this informal trial will not apply. |

|  |
| --- |
| I agree that both parties may submit any document or other evidence to the judge and that copies of any submitted documents or evidence will be provided to the other party. |
| I agree that both parties may advise the Court of anything he/she feels is relevant to the issue(s). |
| I agree that the normal question-and-answer manner of trial will not apply. |
| I agree that the judge may ask me, the other party, and witnesses (if any) questions about the case. |
| I understand that the judge will determine the relevance of all evidence (including documents, physical evidence, and testimony) that is provided as evidence during the informal trial process. |
| I understand that having an informal trial may impact any appeal following the informal trial hearing. |
| I understand the informal trial process. |
| I understand that my participation in this informal trial process is strictly voluntary and that I can withdraw consent to proceed with an informal trial at any time prior to the informal trial hearing. |
| I have not been coerced or threatened in any way to agree to this informal trial process and I have not been promised anything to get me to agree to this informal trial process. |

|  |  |
| --- | --- |
| **Part A** | **Resolved Issues** |

*Check the issues that have already been resolved (by court order, agreement, consent, or otherwise):*

|  |  |  |
| --- | --- | --- |
| 🞏 | Divorce |  |
| 🞏 | Parenting (Custody and/or Access) |  |
| 🞏 | Child Support |  |
| 🞏 | Spousal *(married)* Support or Partner *(unmarried)* Support |  |
| 🞏 | Parental Support *(for parents)* or Dependant Support *(for spouse or child of deceased person)* |  |
| 🞏 | Division of Matrimonial *(married)* Property or Common Law *(unmarried)* Property |  |
| 🞏 | Other: |  |

|  |  |
| --- | --- |
| **Part B** | **Issue(s) for the Informal Trial** |

*Check the issues that you would like to address in the informal trial:*

|  |  |  |
| --- | --- | --- |
| 🞏 | Divorce |  |
| 🞏 | Parenting (Custody and/or Access) |  |
| 🞏 | Child Support |  |
| 🞏 | Spousal *(married)* Support or Partner *(unmarried)* Support |  |
| 🞏 | Parental Support *(for parents)* or Dependant Support *(for spouse or child of deceased person)* |  |
| 🞏 | Division of Matrimonial *(married)* Property or Common Law *(unmarried)* Property |  |
| 🞏 | Other: |  |

|  |  |
| --- | --- |
| **Part C** | **Time Required for the Informal Trial** |

How much time do you estimate the informal trial (including summations) will require?

|  |  |
| --- | --- |
|  | \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ day(s) |

|  |  |
| --- | --- |
| **Part D** | **Undertakings** |

*You must indicate that you will do all of the following:*

|  |  |
| --- | --- |
| 🞎 | I will keep my financial information current by filing with the Court and delivering to the opposing party the updated financial information at least 7 days before the informal trial. |
| 🞎 | I will promptly advise the Court if a settlement has been reached prior to the informal trial date. |
| 🞎 | I will promptly advise the Court if, after the case management hearing, it is anticipated that the estimated duration of the informal trial will differ from the estimated time. |
| 🞎 | I will provide the Court and the other party with all documents I intend to rely on in the informal trial. |

|  |  |
| --- | --- |
| **Part E** | **Legal Representation** |

*Fill in the details of your legal representation below:*

|  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- |
| 🞎 | I am currently represented by (N*ame of lawyer)\_*\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_.

|  |  |
| --- | --- |
| 🞏 | The above named lawyer will represent me at the informal trial. |
| 🞏 | I will be represented by a different lawyer at the informal trial:*(Name of lawyer)* \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_. |
| 🞏 | I will be representing myself at the informal trial. |

 |
| 🞎 | I am not currently represented by a lawyer.

|  |  |
| --- | --- |
| 🞏 | I anticipate having a lawyer at the informal trial:*(Name of lawyer)* \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_. |
| 🞏 | I will be representing myself at the informal trial. |

 |

|  |  |
| --- | --- |
| **Signature and Date** |  |

|  |
| --- |
| DATED at \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, this \_\_\_\_\_\_\_\_\_\_ day of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ , 20\_\_\_\_\_\_ . |
|  |  |  |
| *Signature* |  | *Signature of Lawyer (if any)* |

|  |  |  |
| --- | --- | --- |
|  |  |  |
|  |  | *Print Name of Lawyer (if any)* |
|  |