How to Make a Joint Originating Application for Variation

Instructions for Co-Applicants

You may use a **Joint Originating Application for Variation (Form F5.06A)** if you and the other person(s) would like to change a family law order or a domestic contract, such as a marriage contract, separation agreement, cohabitation agreement or paternity agreement, that has been filed with the Court under s. 42 of the *Family Law Act* together. You and the other person(s) are *Co-Applicants*.

If there are any issues that you do not agree on, you must use the general **Originating Application for Variation** (Form F5.05A). However, you can still do Consent Order(s) on the issues you agree on.

Completing Your Joint Originating Application for Variation

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 file it with the Court).

You must fill out the entire Joint Originating Application for Variation and attach an agreement or a **Consent Order (Form F34.02A** and/or **F34.02B)**. If you need more space to fill out any section of this Joint Originating Application for Variation, attach an extra page and indicate which section is continued on the extra page.

Filing Your Joint Originating Application for Variation

You must make **2 extra copies** of your completed and signed Joint Originating Application for Variation (including any additional documentation). File your original Joint Originating Application for Variation with the Court.

To file your Joint Originating Application for Variation, you can either bring it to a Supreme Court location near you or you can mail it to a Supreme Court location near you.

Serving Your Joint Originating Application for Variation

Since all of the Co-Applicants have signed the Joint Originating Application for Variation, it does NOT need to be served on the other Co-Applicant(s). However, you should still make sure all of the Co-Applicants have a copy of the Joint Originating Application for Variation and all attachments.

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 a lawyer, you can contact:

Public Legal Information Association of NL (PLIAN): <u>www.publiclegalinfo.com</u> or 1 (888) 660-7788 Legal Aid: <u>www.legalaid.nl.ca</u> or 1(800) 563-9911

Form F5.06A: Joint Originating Application for Variation (Family Law)

	de mên		FOR COURT USE ONLY
		COURT FILE NO:	
		CENTRAL DIVORCE REGISTRY NO:	
		Filed at	, Newfoundland and
In the Supreme Court of Newfoundland and Labrador		Labrador, this day of	, 20
	(General/Family)	Registry Clerk of the Supreme Court o	of Newfoundland and Labrador
BETWEEN	:		CO-APPLICANT
		(Print full name)	
AND:			CO-APPLICANT
		(Print full name)	
AND:			□ NOT APPLICABLE
		(Print full name)	CO-APPLICANT

You must start your application at the Court location that is closest to you or closest to the other party. However, if your family law matter involves parenting or child support, you must start your application at the Court location that is closest to where your children live. Check off where your application is required to be heard and note the location where you must file your documents:

lf	your application is required to be heard in	then you must file your documents in
	Clarenville (Grand Bank Circuit)	Grand Bank Supreme Court
	Corner Brook	Corner Brook Supreme (Family Division)
	Gander	Gander Supreme Court
	Grand Bank	Grand Bank Supreme Court
	Grand Falls – Windsor	Grand Falls – Windsor Supreme Court
	Happy Valley – Goose Bay	Happy Valley – Goose Bay Supreme Court
	Port aux Basques (Corner Brook Circuit)	Corner Brook Supreme Court (Family Division)
	Rocky Harbour (Corner Brook Circuit)	Corner Brook Supreme Court (Family Division)
	St. Anthony (Corner Brook Circuit)	Corner Brook Supreme Court (Family Division)
	St. John's	St. John's Supreme Court (Family Division)
	Stephenville (Corner Brook Circuit)	Corner Brook Supreme Court (Family Division)
	Wabush (Happy Valley – Goose Bay Circuit)	Happy Valley – Goose Bay Supreme Court

If you would like to change the terms of an order or domestic contract dealing with one or more of the issues listed in the table below, check the corresponding box(es), fill out the schedule(s) indicated, and attach the additional forms or documents specified in the right-hand column.

Type of Order	Fill Out Schedule	Fill Out Form(s) or Attach Document(s)
Parenting (Decision-making and parenting time)	1	Consent Order or Agreement
Contact Order / Third Party Time with Child*	2	-
Child Support	3	Consent Order or Agreement
Spousal (married) Support or Partner (unmarried) Support	4	Consent Order or Agreement
Parental Support (for parents) or Dependant Support (for spouse or child of deceased person)	4	Consent Order or Agreement
Other:	5	Consent Order or Agreement

* Under the *Divorce Act*, a judge's permission is required to make an application for a Contact Order. Once received, your application will first be considered by a judge to determine if it may proceed.

Fill in the details of the order or domestic contract that you are seeking to change and, **if the order or domestic contract is not already filed with the Supreme Court, include a copy of it with this application**:

Date Order issued/Agreement signed	Month:	Day:	Year:
Court that granted			
Order/filed Agreement			
Place Order	City:	Province:	Country:
made/Agreement filed	Oity.	T TOVINCE.	Country.
Name of Justice or			
Judge that granted Order			

□ Check this box if you have more than 1 order or domestic contract that you are seeking to change. Attach an extra-copy of this page in your document and fill in the details for each other order or domestic contract you are applying to change.

Fill in the information below for the first Co-Applicant:

Current Last Name				Last Name	at Birth:		
First Name				Last Name Day before Day of Mar	the		
Middle Name(s) (if any)							
Gender							
Residential Address							
	Street Addre	SS			City	Province	Postal Code
Mailing Address (if different from Residential Address)							
	Street Addre	ss or PO Box			City	Province	Postal Code
Telephone Number (if any)	Home:			Ce	ll:		
Fax Number (if any)							
Email Address (if any)	Please note t	hat if you pro	vide your ema	ail address, the	Court may c	ontact you by ema	il.
Date of Birth	Month:		D	ay:		Year:	
Occupation(s) or Job(s)							
Citizen / Immigration Status	🗆 Canad	ian Citizen		Permanent F	Resident	🗆 Foreig	n National
Are you a registered Indian			lf yes, wha	t is the name	of your ban	ıd?	
under the Indian Act?	□ Yes	□ No	Do you live on a reserve?				
Will you need an interpreter in court?*	□ Yes	□ No			lf yes, stat	te the language a	and dialect:
Lawyer's name, office address, email address, telephone number and fax number (if any)							

* Please note that you must arrange to have a qualified interpreter appear in court and you will be responsible for any fees associated with this, unless a judge orders otherwise.

Fill in the information below for the second Co-Applicant:

Current Last Name			l	Last Na	me at Birth:		
First Name			1	Last Na Day bef Day of N			
Middle Name(s) (if any)							
Gender							
Residential Address	Chuo at Addre				C tt.	Dravinaa	De stal Ca da
	Street Addre	SS			City	Province	Postal Code
Mailing Address (if different from Residential Address)	Street Addre	ss or PO Box			City	Province	Postal Code
Telephone Number (if any)	Home:	53 0/ 1 0 00x			Cell:	110011100	1 03101 0000
Fax Number (if any)							
Email Address (if any)	Please note t	hat if you pro	vide your email a	address, t	the Court may co	ntact you by email	
Date of Birth	Month:		Day	/ :		Year:	
Occupation(s) or Job(s)							
Citizen / Immigration Status	🗆 Canad	an Citizen	🗆 Pe	rmaner	t Resident	Foreigr	n National
Are you a registered Indian	□ Yes	□ No	If yes, what is	s the na	me of your band	1?	
under the Indian Act?			Do you live on a reserve?				
Will you need an interpreter in court?*	□ Yes	□ No			If yes, state th	e language and	dialect:
Lawyer's name, office address, email address, telephone number and fax number (if any)							

* Please note that you must arrange to have a qualified interpreter appear in court and you will be responsible for any fees associated with this, unless a judge orders otherwise.

Fill in the information about your relationship below:

Relationship of the parties					
Date the parties started living together	Month:	Day:	Year:	OR	□ Not applicable
Date of marriage	Month:	Day:	Year:	OR	Not applicable
Place of marriage				OR	Not applicable
Prior to the marriage, the first Co-Applicant was	□ Unmarried	Divorced	□ Widowed	OR	□ Not applicable
Prior to the marriage, the second Co-Applicant was	Unmarried	Divorced	□ Widowed	OR	□ Not applicable
Date of separation	Month:	Day:	Year:	OR	□ Not applicable
Date of divorce	Month:	Day:	Year:	OR	□ Not applicable

□ Check this box if there are more than 2 Co-Applicants. Attach an extra page to provide the information of the other Co-Applicant(s) and details of your relationship with the other Co-Applicant(s).

Fill in the information for every child of your relationship (Include children under and over 19 and non-dependent children):

	Child 1	Child 2
Child's Full Name		
Full Name of Each		
Parent of the Child (place each name		
on a separate line)		
Date of Birth (month/day/year)		
Gender		
Child is Currently Living With (Name)		
Disabilities and/or Special Needs		
	Child 3	Child 4
Child's Full Name		
Full Name of Each Parent of the Child		
(place each name		
on a separate line)		
Date of Birth (month/day/year)		
Gender		
Child is Currently Living With (Name)		
Disabilities and/or Special Needs		

□ Check this box if there are no children.

Check this box if there are more than 4 children. Attach an extra page to provide the details of those children.

Have child protection services, in this province or elsewhere, ever been involved with any of the co-applicants and/or children listed above?

🗆 No

□ Yes.

If yes, please provide details in the box below.

Provide the details of any **current** or **ongoing** court proceedings, court orders, and/or written agreements involving any of the co-applicants and/or the children. This includes all Provincial Court matters, criminal matters, proceedings in other provinces or countries, peace bonds, emergency protection orders, restraining orders, no-contact orders, safety plans, family centered action plans, and kinship care agreements or any other agreements stemming from CSSD involvement.

□ Check this box if not applicable.

Schedule 1 Parenting Order

Complete this schedule if you are applying to change the terms of an order or domestic contract dealing with parenting issues (decision-making and/or parenting time).

Why are you asking to have the parenting order changed? (Describe what has changed since the time the parenting order was made)

What are the <u>current</u> parenting arrangements for:

Decision-making about the child(ren):

Regular parenting schedule (daily, weekly, monthly, or other):

Parenting schedule for holidays and special occasions:

Schedule for other communication (eg. phone, internet, etc.):

Other important issues in relation to parenting the child(ren):

What are your proposed parenting arrangements for:

Decision-making about the child(ren):

Regular parenting schedule (daily, weekly, monthly, or other):

Parenting schedule for holidays and special occasions:

Schedule for other communication (eg. phone, internet, etc.):

Other important issues in relation to parenting the child(ren):

Schedule 2 Contact Order/ Third Party Time with Child

Complete this schedule if you are applying to change the terms of an order or domestic contract providing for a nonparent's contact or time with a child.

What is your relationship to the child (i.e. grandparent, foster parent, step-parent, other relative):

Why are you asking to have the order or domestic contract changed? (Describe what has changed since the time the original order or domestic contract was made.)

What is the current contact arrangement set out in the order or domestic contract?

What changes to the contact arrangement with the child are you seeking?

Are there any orders or other past or present proceedings or circumstance that may be relevant to your request to change the contact order or domestic contract (i.e. previous convictions, involvement with child protection authorities)?

Other information that may be relevant to the court in determining whether to grant a change to the contact order or domestic contract:

Schedule 3 Child Support

Complete this schedule if you are applying to change the terms of an order or domestic contract providing for child support.

Fill in the information below:

What is your current child support arrangement?	
Are there arrears or unpaid support?	□ Yes □ No If yes, attach the most current Support Enforcement (SED) statement and specify: Amount: \$ As of (date) (month/day/year):
Is child support assigned to be paid to someone else? (eg. Department of Advanced Education, Skills, and Labour)	□ Yes □ No If yes, provide the details of the assignment arrangement:

Check all of the boxes that apply and fill in the information required:

For the following child(ren):			
Effective Date:	Month:	Day:	Year:
escribe the reason(s) for cha	anging the amount	of child support:	

	e following child(ren):			
Effecti	ve Date:	Month:	Day:	Year:
What a	re your incomes?			
	Co-Applicant 1's Ar	nual Income:	6	
	Co-Applicant 2's Ar	nnual Income:	6	
Check (<i>Guidelii</i>	()	nanging the amoun	t of child support to an an	nount different from the Child S
Both Co-	Applicants must each file a	n Affidavit regarding yo	our incomes and your ability to	support your children.
	We agree to child su	pport in the amour	nt of \$ p	per month.
	Each of us has pare	nting time with the	child(ren) for 40% or mor	e of the year.
	The child(ren) is(are) 19 years of age o	or older.	
	One or more of the p \$150,000 annually.	persons who is obli	gated to pay support has	an income that is more than
	One or more of us is	claiming undue ha	ardship for the following re	eason(s):
	Other:			
We agr	ee to change the am o	ount of special an	d/or extraordinary expe	nses.
For the	e following child(ren):			
Effecti	ve Date:	Month:	Day:	Year:
	e the reason(s) for ch	anging the amount	of special and/or extraor	dinary expenses:
Describ				

	We agree to an amount of ret	roactive child	support.				
	For the following child(ren):						
	Effective Date:	Month:	Day:	Year:			
	What amount of retroactive ch	ild support do y	d support do you agree to? \$				
	Describe the reason(s) for retr	oactive child su	pport:				
<u> </u>	·····						
	We agree to terminate child s	support.]		
	For the following child(ren):						
	Effective Date:	Month:	Day:	Year:			
	Describe the reason(s) for terr	ninating child su	ipport:				
	We agree to other changes to	child support:					
	For the following child(ren):						
	Effective Date:	Month:	Day:	Year:			
				i edi.			
	What amount of child support Describe the reason(s) for cha		ζφ				

Schedule 4 Spousal, Partner, Parental, or Dependent Support

Complete this schedule if you are applying to change the terms of an order or domestic contract providing for spousal, partner, parental, and/or dependant support.

What is your current spousal, partner, parental, and/or dependent support arrangement?	
Are there arrears or unpaid support?	□ Yes □ No
	If yes, attach the most current Support Enforcement (SED) statement and specify:
	Amount: \$
	As of (date) (month/day/year):
Is support assigned to be paid to	□ Yes □ No
someone else? (eg. Department of Advanced Education, Skills an Labour)	If yes, provide the details of the assignment arrangement (to the best of your knowledge):

Check all of the boxes that apply and fill in the information required:

We agree to change spo For the following persor		al, or dependent suppor	L	
Effective Date:	Month:	Day:	Year:	
Describe the facts and yo	our reason(s) for seekir	ng a change in support:		

Schedule 5 Other

If you want to change a term of a court order or domestic contract dealing with an issue not listed in the schedules, state why you are applying for the change, describe the current arrangement specified in the order or contract, and describe the change you are seeking to the arrangement:

If there are more than 2 Co-Applicants, attach an extra page with the signatures required below.

Statement of Truth

All Co-Applicants must swear or affirm that the facts and information in this Application and the attached Consent Order is the truth. You must swear or affirm and sign this Statement of Truth in front of a commissioner of oaths, notary public, justice of the peace, or lawyer. Court Registry staff are commissioners of oaths and you may sign this application at the Court when you file it.

First Co-Applicant	Second Co-Applicant
I declare the facts and information in this Joint Originating Application for Variation are true to the best of my knowledge and belief.	I declare the facts and information in this Joint Originating Application for Variation are true to the best of my knowledge and belief.
SWORN TO or AFFIRMED at,	SWORN TO or AFFIRMED at,
this day of , 20	this day of , 20
Signature of First Co-Applicant	Signature of Second Co-Applicant
Signature of Person Authorized to Administer Oaths	Signature of Person Authorized to Administer Oaths

Parties' Certificates

If you are applying for relief under the Divorce Act, each Co-Applicant must complete one of these certificates.

First Co-Applicant

l,(<i>i</i>	Print Party's Name)
the Applicant, ce provide:	ertify to this Court that I am aware of the duties set out in sections 7.1 to 7.5 of the Divorce Act, which
7.1	A person to whom parenting time or decision-making responsibility has been allocated in respect of a child of the marriage or who has contact with that child under a contact order shall exercise that time, responsibility or contact in a manner that is consistent with the best interests of the child.
7.2	A party to a proceeding under this Act shall, to the best of their ability, protect any child of the marriage from conflict arising from the proceeding.
7.3	To the extent that it is appropriate to do so, the parties to a proceeding shall try to resolve the matters that may be the subject of an order under this Act through a family dispute resolution process.
7.4	A party to a proceeding under this Act or a person who is subject to an order made under this Act shall provide complete, accurate and up-to-date information if required to do so under this Act.
7.5	For greater certainty, a person who is subject to an order made under this Act shall comply with the order until it is no longer in effect.
DATED at	, this day of, 20
	Signature of Co-Applicant

Second Co-Applicant

I,	(Print Party's Name)
	certify to this Court that I am aware of the duties set out in sections 7.1 to 7.5 of the <i>Divorce Act</i> , which
7.1	A person to whom parenting time or decision-making responsibility has been allocated in respect of a child of the marriage or who has contact with that child under a contact order shall exercise that time, responsibility or contact in a manner that is consistent with the best interests of the child.
7.2	A party to a proceeding under this Act shall, to the best of their ability, protect any child of the marriage from conflict arising from the proceeding.
7.3	To the extent that it is appropriate to do so, the parties to a proceeding shall try to resolve the matters that may be the subject of an order under this Act through a family dispute resolution process.
7.4	A party to a proceeding under this Act or a person who is subject to an order made under this Act shall provide complete, accurate and up-to-date information if required to do so under this Act.
7.5	For greater certainty, a person who is subject to an order made under this Act shall comply with the order until it is no longer in effect.
DATED at	, this day of , 20
	Signature of Co-Applicant

Lawyer's Certificate

If any of the Co-Applicants has a lawyer and you have applied for relief under the Divorce Act, your lawyer(s) must complete the Certificate(s) below.

First Co-Applicant's Lawyer

l,	, the Lawyer for	,
((Print Lawyer's Name) (Print Co-Applicant's Name)	
the Applicant, o	certify to this Court that I have complied with s.7.7 of the Divorce Act, which provides:	
7.7	(1) Unless the circumstances of the case are of such a nature that it would clearly not be appropriate to do so, it is the duty of every legal adviser who undertakes to act on a spouse behalf in a divorce proceeding	'S
	(a) to draw to the attention of the spouse the provisions of this Act that have as the object the reconciliation of spouses; and	ir
	(b) to discuss with the spouse the possibility of the reconciliation of the spouses ar inform the spouse of the marriage counselling or guidance facilities known to the leadviser that might be able to assist the spouses to achieve a reconciliation.	
	(2) It is also the duty of every legal adviser who undertakes to act on a person's behalf in ar proceeding under this Act	ıy
	(a) to encourage the person to attempt to resolve the matters that may be the subj an order under this Act through a family dispute resolution process, unless the circumstances of the case are of such a nature that it would clearly not be appropr do so;	
	(b) to inform the person of the family justice services known to the legal adviser the assist the person	at might
	(i) in resolving the matters that may be the subject of an order under this a and	Act,
	(ii) in complying with any order or decision made under this Act; and	
	(c) to inform the person of the parties' duties under this Act.	
	(3) Every document that formally commences a proceeding under this Act, or that responds such a document, that is filed with a court by a legal adviser shall contain a statement by the adviser certifying that they have complied with this section.	
DATED at	, this day of, 20	
	Signature of Lawyer Address of Lawyer	

Second Co-Applicant's Lawyer

l,	
(Print Lawyer's Name) (Print Co-Applicant's Name)
the Applicant, o	certify to this Court that I have complied with s.7.7 of the Divorce Act, which provides:
7.7	(1) Unless the circumstances of the case are of such a nature that it would clearly not be appropriate to do so, it is the duty of every legal adviser who undertakes to act on a spouse's behalf in a divorce proceeding
	(a) to draw to the attention of the spouse the provisions of this Act that have as their object the reconciliation of spouses; and
	(b) to discuss with the spouse the possibility of the reconciliation of the spouses and to inform the spouse of the marriage counselling or guidance facilities known to the legal adviser that might be able to assist the spouses to achieve a reconciliation.
	(2) It is also the duty of every legal adviser who undertakes to act on a person's behalf in any proceeding under this Act
	(a) to encourage the person to attempt to resolve the matters that may be the subject of an order under this Act through a family dispute resolution process, unless the circumstances of the case are of such a nature that it would clearly not be appropriate to do so;
	(b) to inform the person of the family justice services known to the legal adviser that might assist the person
	(i) in resolving the matters that may be the subject of an order under this Act, and
	(ii) in complying with any order or decision made under this Act; and
	(c) to inform the person of the parties' duties under this Act.
	(3) Every document that formally commences a proceeding under this Act, or that responds to such a document, that is filed with a court by a legal adviser shall contain a statement by the legal adviser certifying that they have complied with this section.
DATED at	, this day of, 20
	Signature of Lawyer Address of Lawyer