

## 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. If the Court asks you to provide a draft Order, you can use this **Order template** to help you draft the Order.

If you and the other person have come to an agreement on all of your family law issues, you can do a **Consent Order**. You can use the **Consent Order templates (Forms F34.02A and F34.02B)** to draft the consent between you and the other person.

### 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).

Orders dealing with child, spousal, partner, parental, or dependant support, must be separated from other types of orders. If you are drafting a support order, fill out this **Order – Support (Template)**. For all other Orders (eg. parenting or property), fill out an **Order – Other than Support (Template)**.

Check off “Final Order” (on the first page) if you are drafting to a final order. Check off “Interim Order on Consent” (on the first page) if you are drafting an interim order.

You only need to attach the pages of this template that apply to you.

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.

### 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](http://www.publiclegalinfo.com) or 1 (888) 660-7788

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

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

# Order – Support (Family Law)



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

<b>FOR COURT USE ONLY</b>	
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

BEFORE the Honourable Justice \_\_\_\_\_, on \_\_\_\_\_.

*(Print Name)* *(Date: month/day/year)*

<input type="checkbox"/> Final Order <input type="checkbox"/> Interim Order
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IT IS ORDERED THAT under the:

- Family Law Act* (Newfoundland and Labrador):
- Divorce Act* (Canada):
- \_\_\_\_\_

# Child Support

**Basic Table Amount**

It is ordered that there shall be an amount of child support according to the basic table amount as per the *Child Support Guidelines* of (province) \_\_\_\_\_ as follows:

Payment amount: \$ \_\_\_\_\_ Payor's annual income: \$ \_\_\_\_\_

To be paid: (eg. 1<sup>st</sup> day of every month, weekly, etc.) \_\_\_\_\_

Paid by: (name) \_\_\_\_\_ to: (name) \_\_\_\_\_

For the following child(ren): (names and dates of birth) \_\_\_\_\_

Commencement date: (month/day/year) \_\_\_\_\_

OR

**Amount Different from the Basic Table Amount ( Shared Parenting or  Split Parenting)**

It is ordered that there shall be an amount of child support that is different from the *Child Support Guidelines* of (province) \_\_\_\_\_ as follows:

Applicant or Co-Applicant 1's annual income: \$ \_\_\_\_\_

Payment amount: \$ \_\_\_\_\_

Paid by: (name) \_\_\_\_\_ to: (name) \_\_\_\_\_

For the following child(ren): (names and dates of birth) \_\_\_\_\_

Commencement date: (month/day/year) \_\_\_\_\_

--- AND ---

Respondent or Co-Applicant 2's annual income: \$ \_\_\_\_\_

Payment amount: \$ \_\_\_\_\_

Paid by: (name) \_\_\_\_\_ to: (name) \_\_\_\_\_

To be paid: (eg. 1<sup>st</sup> day of every month, weekly, etc.) \_\_\_\_\_

For the following child(ren): (names and dates of birth) \_\_\_\_\_

Commencement date: (month/day/year) \_\_\_\_\_

--- SET OFF (if split parenting) or AMOUNT (if shared parenting) ---

Payment amount: \$ \_\_\_\_\_

Paid by: (name) \_\_\_\_\_ to: (name) \_\_\_\_\_

To be paid: (eg. 1<sup>st</sup> day of every month, weekly, etc.) \_\_\_\_\_

Commencement date: (month/day/year) \_\_\_\_\_

OR

**Amount Different from the Basic Table Amount**

It is ordered that there shall be an amount of child support that is different from the *Child Support Guidelines* of (province) \_\_\_\_\_ as follows:

Payment amount: \$ \_\_\_\_\_

To be paid: (eg. 1<sup>st</sup> day of every month, weekly, etc.) \_\_\_\_\_

Paid by: (name) \_\_\_\_\_ to: (name) \_\_\_\_\_

For the following child(ren): (names and dates of birth) \_\_\_\_\_

Commencement date: (month/day/year) \_\_\_\_\_

Payor's annual income: \$ \_\_\_\_\_ Recipient's annual income: \$ \_\_\_\_\_

Reason or further details:

**Special and/or Extraordinary Expenses**

It is ordered that there shall be an amount of special and/or extraordinary expenses as follows:

Child's Name and date of birth	Description of Expense	Total Amount of Expense (per month)	Payor's Share or Contribution (\$ or %) (per month)	Frequency of Payment	Commencement Date (month/day/year)
		\$			
		\$			
		\$			
		\$			
		\$			

*Other special expenses and/or details:*

Paid by: (name) \_\_\_\_\_ to: (name) \_\_\_\_\_

Payor's annual income: \$ \_\_\_\_\_ Recipient's annual income: \$ \_\_\_\_\_

Parties will send receipts to Support Enforcement.

**Retroactive Child Support**

It is ordered that there shall be an amount of retroactive child support as follows:

Payment amount: \$ \_\_\_\_\_ per month OR \$ \_\_\_\_\_ lump sum

Paid by: (name) \_\_\_\_\_ to: (name) \_\_\_\_\_,

representing the payor's child support obligations from (date: *month/day/year*) \_\_\_\_\_

to (date: *month/day/year*) \_\_\_\_\_

For the following child(ren): (*names and dates of birth*) \_\_\_\_\_

Commencement/Payment date: (*month/day/year*) \_\_\_\_\_

 **Arrears**

It is ordered that the outstanding child support amount owed, fixed at (*arrears*) \$ \_\_\_\_\_ as of (*date*) (*month/day/year*) \_\_\_\_\_, shall be paid as follows:

Payment amount: \$ \_\_\_\_\_ per month OR \$ \_\_\_\_\_ lump sum

Paid by: (name) \_\_\_\_\_

to: (*name or agency, if assigned*) \_\_\_\_\_

For the following child(ren): (*names and dates of birth*) \_\_\_\_\_

Commencement/Payment date: (*month/day/year*) \_\_\_\_\_

 **Disclosure (Payor)**

Pursuant to section 25 of the *Federal Child Support Guidelines* (Canada) (or section 23 of the provincial *Child Support Guidelines Regulations*), (name) \_\_\_\_\_ shall provide a copy

of the his/her income tax return and notice of assessment to (name) \_\_\_\_\_

on or before (date: *month/day/year*) \_\_\_\_\_ each year, commencing in (*year*) \_\_\_\_\_.

 **Disclosure (Recipient) (if applicable)**

Pursuant to section 25 of the *Federal Child Support Guidelines* (Canada) (or section 23 of the provincial *Child Support Guidelines Regulations*), (name) \_\_\_\_\_ shall provide a copy

of the his/her income tax return and notice of assessment to (name) \_\_\_\_\_

on or before (date: *month/day/year*) \_\_\_\_\_ each year, commencing in (*year*) \_\_\_\_\_.

 **Support Enforcement**

All amounts owing under this Order shall be paid directly to the Director of Support Enforcement at:

Support Enforcement Division

P.O. Box 2006

Corner Brook, Newfoundland and Labrador A2H 6J8

This order shall be enforced by the Director of Support Enforcement pursuant to the *Support Orders Enforcement Act*, 2006, SNL 2006, Chapter S-31.1, unless the Order is withdrawn from the Director, pursuant to s.7 of the *Act*.

**Support Recalculation**

*(You can only check this box if all parties have agreed to basic table amount of child support and either primary residence parenting or split parenting.)*

The amount of child support shall be reviewed each year and, where necessary, will be recalculated by the Recalculation Office in accordance with the *Administrative Recalculation of Child Support Regulations*.

**COMMENCEMENT DATE OF CHILD SUPPORT:**

- (a) The commencement date of child support pursuant to this order is the \_\_\_\_ day of (month) \_\_\_\_\_ of (year) \_\_\_\_\_.

**REVIEW DATE:**

- (b) The child support amount will be reviewed one year after the date set out in clause (a) above.

**INCOME INFORMATION REQUIREMENTS AND DUE DATE:**

- (c) The person required to pay child support must provide the following income information to the Recalculation Office:
- (i) Personal income tax return for the most recent taxation year; and
  - (ii) Notice of assessment and any reassessments for the most recent taxation year; or
  - (iii) other document(s) acceptable to the Recalculation Office.
- (d) The income information must be provided to the Recalculation Office **not later than 45 days before the review date** at:

Recalculation Office  
9th floor, Sir Richard Squires Building  
P.O. Box 2006, Corner Brook, NL A2H 6J8  
Tel: (709) 634-4172 | Fax: (709) 634-4155  
E-mail: recalculation@gov.nl.ca

**RECALCULATION – WHERE INCOME INFORMATION IS PROVIDED**

- (e) If satisfactory income information is received by the Recalculation Office at least 45 days before the review date, the Recalculation Office will issue a Recalculation Notice setting out the proposed recalculated child support amount.
- (f) If, as a result of the recalculation, the amount of child support would increase or decrease less than \$5.00 per month, the Recalculation Office will not recalculate the amount of child support. The Recalculation Office will notify the parties that there will be no change for that year.

**RECALCULATION – WHERE INCOME INFORMATION IS NOT PROVIDED**

- (g) If satisfactory income information is not received by the Recalculation Office at least 45 days before the review date, the Recalculation Office will issue a Recalculation Notice setting out the proposed recalculated child support amount. This amount will be:

- (i) the income amount on which the most recent child support order, agreement, or Recalculation Notice was based; plus
- (ii) 20% of the payor's income as determined under (g)(i) above.

**EFFECTIVE DATE OF RECALCULATED AMOUNT**

- (h) Unless a Notice of Objection is filed, the recalculated amount of child support stated in the Recalculation Notice will come into effect on the date set out in the Recalculation Notice. The Recalculation Office will file a copy of the Recalculation Notice with the court that made the child support order (or where the agreement is filed) and the Support Enforcement Agency.
- (i) The recalculated amount of child support is payable to the Support Enforcement Agency:

Support Enforcement Division  
2nd floor, Sir Richard Squires Building  
P.O. Box 2006 , Corner Brook, NL A2H 6J8  
Tel: (709) 637-2608

**OBJECTION TO RECALCULATION**

- (j) If a party objects to the change in child support amount in the Recalculation Notice, the party must file a Notice of Objection with the court that made the child support order, or where the agreement was filed. The party must also provide a copy of the Notice of Objection to the Recalculation Office.
- (k) The Notice of Objection must be filed within 30 days after the Notice of Recalculation is deemed to be received.
- (l) If a Notice of Objection is filed, no change shall be made to the amount of child support payable unless:
  - (i) a court order is made at the conclusion of the objection hearing; or
  - (ii) the Notice of Objection is withdrawn before objection hearing, in which case the recalculated amount of child support is considered to have come into effect on the date set out in the Recalculation Notice.

**CHANGE OF CONTACT INFORMATION**

Parties must notify the Recalculation Office of any change to their mailing address, email address, telephone number, or fax number within 10 days of the change.

Other:

A large, empty rectangular box intended for providing additional information or details related to the 'Other' category.



## Spousal, Partner, Parental, or Dependant Support

**No Spousal, Partner, Parental, and/or Dependant Support**

There will be no spousal, partner, parental, and/or dependant support to either party.

**Ongoing Support**

It is ordered that an amount of

Spousal support     Parental support     Partner support     Dependant support

shall be paid as follows:

Payment amount: \$ \_\_\_\_\_ per month

Paid by: (name) \_\_\_\_\_ to: (name) \_\_\_\_\_

For the following person(s): (names) \_\_\_\_\_

Commencement date: (month/day/year) \_\_\_\_\_

Duration (if applicable): \_\_\_\_\_

Review date (if applicable): (month/day/year) \_\_\_\_\_

Nature of Review (if applicable): \_\_\_\_\_

**Retroactive Support**

It is ordered that an amount of retroactive

Spousal support     Parental support     Partner support     Dependant support

shall be paid as follows:

Payment amount: \$ \_\_\_\_\_ per month

Paid by: (name) \_\_\_\_\_ to: (name) \_\_\_\_\_, representing the payor's support obligations from (date: month/day/year) \_\_\_\_\_ to (date: month/day/year) \_\_\_\_\_

For the following person(s): (names) \_\_\_\_\_

Commencement date: (month/day/year) \_\_\_\_\_

**Arrears**

It is ordered that the outstanding support amount owed, fixed at (arrears) \$ \_\_\_\_\_ as of (date: month/day/year) \_\_\_\_\_, shall be paid off as follows:

Payment amount: \$ \_\_\_\_\_ per month OR \$ \_\_\_\_\_ lump sum

Paid by: (name) \_\_\_\_\_

to: (name or agency, if assigned) \_\_\_\_\_

Commencement/Payment date: (month/day/year) \_\_\_\_\_

It is ordered that there shall be a financial arrangement for support as follows:



<p>Order Issued at:</p> <p>Location: Supreme Court in _____, Newfoundland and Labrador</p> <p>Date: _____</p> <p>_____ Justice or Registry Clerk of the Supreme Court of Newfoundland and Labrador</p>	<p>FOR COURT USE ONLY</p>
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