

Families face challenges every day. There are communication issues, problems with money, disagreements about how to raise the kids. When a family splits up, those things don't go away. When one of the partners is in a different province, territory, or country, a whole new set of challenges is created.

The world has become a smaller place. People move, they get different jobs, they go into new relationships. But their families – especially if there are children – continue. And so do the challenges.

For many families one of the hardest parts to deal with is money – family support, or maintenance. That's why the *Interjurisdictional Support Orders Act* exists. The *Act* gives you a way to ask a court to decide about the financial part of your family relationship, even though the other person is in a “reciprocating jurisdiction”. The forms are a way to organize the information the court needs. The ISO Guides will help you prepare your application.

### **What's a reciprocating jurisdiction?**

If a couple lives in the same province, territory, or country and their relationship ends, one of them can go to the local court and apply for a support (or maintenance) order. The other person will be summoned to court and there will be a hearing. Unless the two people agree and get a written agreement or consent order, the court will decide how much support will be paid. The court follows the laws of the place where the couple lives.

When the two people live in *different* places, which laws do the court use? Many years ago one person would have to travel for a court hearing in one place or the other. With ‘reciprocity’ agreements, Alberta has arrangements with over 80 different places to honour and recognize each other's support laws and orders. They include all the Canadian provinces and territories, all of the United States, and some other foreign countries. This means that a person can start an application in Alberta and an order can be made, or changed, or enforced, where the other person lives. The order is ‘good’ in both places.

In Alberta, and in Canada, most of the reciprocal cases are between Canadian provinces and territories. The Canadian ‘reciprocating jurisdictions’ have developed standard laws and forms for the whole country.

### **Will ISO apply to my case?**

Probably. If your application is about support (maintenance), and the other party lives in one of the “reciprocating jurisdictions” you can use these forms.

If you are applying to change an order made under Canada's *Divorce Act*, this is not the application for you. The *Divorce Act* is a federal law. It has its own rules about making and changing its orders. In Alberta all applications under the *Divorce Act* must be made to the Court of Queen's Bench. You may wish to talk to a lawyer if you want to change your *Divorce Act* order. Advice about varying court orders can also be obtained from the Family Law Information Centres. There is information about how to contact them on the next page.

### **Are there other ways of getting or changing a support order?**

Yes, there are. If both of you agree, you can choose to apply to one court, or another. It's as though you both lived in one province, territory, or country. The order could then be ‘registered’ in the other place. When registered, the order has the same effect as if it is made in both places. This is another thing that ‘reciprocating jurisdictions’ have agreed to do.

Or you can hire a lawyer and talk about applying in the Court of Queen's Bench, or having a lawyer in the other person's jurisdiction go to court for you.

Or, if you both agree, you can write a formal agreement. Some provinces will ‘register’ and enforce certain types of agreements. Alberta will enforce agreements that have been registered in another jurisdiction and would be enforced in that jurisdiction. It's another part of ‘reciprocity’. If you already have a court order, however, it cannot be changed by an agreement unless you also obtain a new order.

Finally, you can consider **mediation**. Usually, mediation happens when both people can sit down together with a mediator. With the two of you in different places, there are some location differences to work out. But if you and the other person want to come to your own agreement about support, you can make mediation work for you. Even if you can't agree on everything, you may be able to reduce the number of decisions you ask the court to make for you. If you're interested, look up mediation in the yellow pages of the telephone book. You can also ask a lawyer, social worker, or a community agency or counselling centre that works with families. If you do not use mediation, the public library, the internet, and many family-centred groups can give you valuable information on how mediation methods can help you talk with the other person about sensitive issues.

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**Isn't there an easier way to do this?**

Unfortunately, no. You are asking a court in a different province, territory, or country to make an order for you. To do that the court needs evidence. You are not going to be there, so your documents will speak for you. Putting the documents together is not something you can do in an evening. You must decide whether you want to put in the time and effort to give the court what it needs. These guides have been written to help you. If you have legal questions, you may need to talk to a lawyer.

**Getting started**

The first step is to look at the charts below this section. The first one is about the forms you need to make a support application. It lists the types of support, and the forms for each type. You will need two copies of each of the forms you asked for, and one copy of the matching ISO Guide. Mark one copy of each of the forms as your 'working' copy. Put the other copy aside – it is your 'good' copy.

You may obtain a package of the forms and guides from the Alberta Court of Queen's Bench Family Law Information Centres. The Family Law Information Centre's website address is [www.albertacourts.ab.ca/familylaw](http://www.albertacourts.ab.ca/familylaw). Their offices are located in Edmonton and in Calgary at:

1st Floor West, Law Courts Building  
1A Winston Churchill Square  
Edmonton, Alberta T5J 0R2  
Telephone: (780) 415-0404

#604, J.J. Bowlen Building  
620 – 7<sup>th</sup> Avenue SW  
Calgary, Alberta T2P 0Y8  
Telephone: (403) 297-6600

You can dial 310-0000 for toll-free access to both Centres from anywhere in Alberta. Forms will also be available at all Court of Queen's Bench locations across Alberta. Check the blue pages in your telephone directory under "Courts" to find the location nearest you.

Below each chart there are examples. They may help you decide if you have the right forms for your application.

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**FOR SUPPORT**

Use this part if you **do not** have a support (maintenance) order now. You are the 'claimant'; the other person is the 'respondent'.

<b>If your claim is for</b>	<b>Fill out Form(s)</b>
Any application for support	A and B
A determination that the respondent is the parent of the child(ren) named in your application. This is about 'parentage'. The court will want to declare (include in the order) that the other person is a parent who has a duty to support a child. See the guide for Form C to find out if you need Form D for your application.	C, and D if necessary.
Child support	E and F
An order that the respondent obtain and maintain medical and/or dental insurance coverage for the child(ren) and/or yourself	E and F
Child support for a child over the age of majority (age 18 in Alberta, or possibly over the age of 16 if using the Alberta <i>Domestic Relations Act</i> .)	G and L (1 form for each child)

Child support if you and the respondent have split, or shared, custody	G
Child support if you are making a claim for an order that is <b>not</b> according to the child support guidelines tables, because that amount would cause you or the child(ren) undue hardship	G
Child support, when the respondent makes over \$150,000 per year	G
Special expenses for childcare, health, insurance, extracurricular, or education expenses for a child or children	H
Support for yourself	J and F
If you choose <b>any</b> of Forms G, H, or J	K

**Examples:**

- Cathi is asking for an order that Ryan pay support for their child, Emma who is 7. Cathi is not asking for support for herself, and Emma has no ‘special expenses’ for health, education, or for childcare. Cathi will fill out Forms A, B, C, E, and F.*
- Wai Lun and Mai separated a few months ago, and Wai Lun moved to a ‘reciprocating jurisdiction’. He said he would pay support for the 15-year old, and for the 19-year old who lives at home and is going to school. He was also going to pay support for Mai – she has worked part-time for many years. The younger child has a disability and needs medicine, physical therapy, and goes to a private school that can handle his needs.*
- Michael and Lynn were together for over 10 years, and have two children. They adopted the 8-year old, and the 12-year old is from a former relationship Michael had. Lynn always acted as a parent to the older child. Michael is asking the court in Lynn’s ‘reciprocating jurisdiction’ to make a support order for both children. He will fill out Forms A, B, C, D, E, and F.*

*Unfortunately, Wai Lun has not been paying what he promised. Mai is going to ask the court in the ‘reciprocating jurisdiction’ to make a support order. For Mai, there will be a lot of forms to fill out. She will use Forms A, B, C, E, F, G, L, and K.*

**For SUPPORT VARIATION**

Use this part if you **have** a support order or written agreement now, and you want to change it. Remember that if your existing order was made under the *Divorce Act*, you cannot use these forms.

You are the ‘applicant’; the other person is the ‘respondent’.

**If you are a support Recipient (the person receiving support)**

<b>If your claim is to change or end an order</b>	<b>Fill out Form(s)</b>
Any application to change or end a support order	A, B, and M
For the amount of child support	E and F
For child support for a child over the age of majority (age 18 in Alberta, or possibly over the age of 16 if using the Alberta <i>Domestic Relations Act</i> .)	G and L (1 form for each child)
For child support if you and the respondent have split, or shared, custody	G
For child support if you are making a claim for an order that is <b>not</b> according to the child support guidelines tables, because that amount would cause you or the child(ren) undue hardship	G
For child support, when the respondent makes over \$150,000 per year	G
For special expenses for childcare, health, insurance, extracurricular, or education expenses for a child or children	H
For support for yourself	J and F
If you choose <b>any</b> of Forms G, H, or J	K

**If you are a support Payor (the person paying support)**

<b>If your claim is to change or end an order</b>	<b>Fill out Form(s)</b>
Any application to change or end a support order	A, B, K, and M
If you want the court to make an order even if the respondent (who would be the recipient of support) does not go to court or file documents	F
For child support for a child over the age of majority (age 18 in Alberta, or possibly over the age of 16 if using the Alberta <i>Domestic Relations Act.</i> )	I
For child support if you and the respondent have split, or shared, custody	I
To change the amount of child support you pay. If you are making a claim for an order that is <b>not</b> according to the child support guidelines tables, because that amount would cause you or your family undue hardship	I

**Examples:**

4. *Trina has learned that Suresh has now finished his training, and has a well-paid permanent job in his ‘reciprocating jurisdiction’. The order for support for their 2 young children was made using the child support guidelines. It was based on the income Suresh had when he was a student. Trina would like a new order, according to the income Suresh has now. She will use Forms A, B, E, F, and M.*
  
5. *Gordon and Lisa have a support order that they got soon after they separated. Gordon moved to Alberta and had a good job, but was laid off. After being out of work for 6 months, he now has a new job, but it doesn’t pay as well. He has child support arrears and other debts and can’t keep up with the payments. He is asking the court to change the amount of support he pays. He believes the child support guidelines table amount will cause his new family undue hardship. He will use Forms A, B, F, I, K, and M.*
  
6. *Roger wants to stop paying Cecile support for their son, Martin. Martin is only 17, but he has dropped out of school, has left home and is living with his girlfriend. He is working full-time. Roger asks to pay support for the two younger children, still living with their mother, at the child support guidelines amount for his income. But he wants the support for Martin to end as of the date Martin quit school. Roger will fill out Forms A, B, F, K, and M.*

**When you have all the forms you need**

First, make sure you have a ‘working’ copy of each of the forms, and put a ‘good’ copy aside. When you have filled out your ‘working’ copy and put together the documents you need, then you can

write on your ‘good’ copy. Use the ISO Guide that goes with each form – it has information you need.

**Your application forms are not something you can, or should, do in a hurry. You are taking an important step for yourself and your family. Take your time, and give this task the effort it deserves.**

**Swearing / Affirming your application**

The information you have put in your forms is part of your application. Any documents you attach to the forms are part of the application too. Your application – the whole package – is evidence. Remember, you will not be at court in the ‘reciprocating jurisdiction’. Your application package will speak for you.

If you *were* in court, you would give your evidence under oath. You would have to swear (using the bible) or affirm (a formal promise, without a connection to religion) that what you are saying is true. This step is very serious. It goes far back in history. Giving sworn or affirmed evidence is an important part of any court action.

But you will not be in court, and your application package will speak for you. For that to happen, it must be sworn or affirmed. When your application package is complete, these are the steps you follow:

1. Make sure you have all the Forms for your application, and any documents that go along with them.
2. *Do not* sign any of your forms yet.
3. Put the Forms and documents in order, from the first letter (A) to the last one you used. *Do not* include the ISO guides – they are not part of the evidence in your application.

4. If the other person (respondent) lives in another country or in Manitoba, the Northwest Territories, Nunavut, Saskatchewan, or Quebec, go to a Notary Public to have your application sworn. A Notary Public is a person who is authorized to take oaths. All lawyers in Alberta are Notaries Public, and there are also Notaries who are not lawyers. Check your yellow pages for lawyers, or notaries, to find someone near you. Call the office and say that you have one document to be notarized, and ask for an appointment. There will likely be a small fee. Ask what the fee will be. If you are asked what kind of document, say it is a “reciprocal support application, being sent outside Alberta”. If the other person (respondent) lives in a Canadian province or territory not listed above, you may have your application sworn before a Notary Public or a Commissioner for Oaths. There are commissioners at all Alberta courthouses, and you may find it convenient to take your documents to the courthouse to swear and file them at the same time. Commissioners can also be found at law offices, and most banks and municipal offices.
5. When you see the commissioner or notary, take your entire original package (all your Forms and documents). It may not be required, but take along photo identification if you have it.
6. The commissioner or notary will ask you if you swear or affirm that you have read the documents and that the contents are true. If you say yes, you will be asked to sign on the last page of Form A. When you have signed, the commissioner or notary will fill in part of the form, sign it, and either ‘seal’ or stamp the page.
7. You will also sign all of the other forms now as well. The courts like to see a signature on each from to show that you have thought about each claim you make, and about the facts to support your statements.
8. The sworn package is now the evidence that the court will use to make its order. It has your original signature on it, and it has been notarised or commissioned. Once the package is sworn, *do not add any other documents to it, or make any changes.*
9. The court in the reciprocating jurisdiction needs three copies of your application package. The court in Alberta will keep your sworn original

on its file, return one “filed” copy to you for your records, and send three certified copies to the reciprocating jurisdiction. Make four photocopies of the whole sworn original package.

### **Filing Your Application**

In Alberta, Support Applications are filed with the Alberta Provincial Court, Family and Youth Division. Support Variation Applications are filed with the Alberta Court of Queen’s Bench. To locate the Provincial Court or Court of Queen’s Bench office nearest to you, look in the blue pages of your telephone directory under “Courts”.

If the respondent lives in the United Kingdom or New Zealand the courts there require what is known as a provisional order. You will still complete the forms as you would for an ISO application, but you will file them with the Court of Queen’s Bench. A judge in Alberta will look at them and make a provisional order, which is then sent to the reciprocating jurisdiction. The court in the reciprocating jurisdiction will hear the respondent’s evidence as well as review the material in your application and will either confirm the order granted by the Alberta court, substitute its own order, or refuse to confirm the order. In addition to the ISO Forms, you must also submit a blank form of order. Contact the Family Law Information Centres for assistance. See page 2 of this Guide for information on contacting them.

Bring your sworn original and all four photocopies of the sworn original to the Courthouse.

The staff at the Courthouse will review your application package. They will check that you are filing with the correct court, the package is complete, with enough copies, and includes all the forms you checked off on Form A. They do not check your facts, or your adding. The staff cannot give you legal advice, or tell you what should go in your application.

If there is something missing, the office will send the package back to you with a form letter saying what is needed. This is why it is so important to check your forms and documents. If the package is returned to you to make changes, you will have to have it sworn again. Your application will also be delayed.

You may also mail your documents to the court for filing. Call the number listed in the blue pages of your telephone directory under “Courts” to obtain the correct mailing address and other information you may need to file by mail. If you send your documents in by mail, you may wish to make and keep a photocopy of everything you send. In the very unlikely event that your documents are lost in the mail, you can “re-create” your application.

Whether you file your documents in person or by mail, with the Court of Queen’s Bench or Provincial Court, there is no filing fee.

**What happens next?**

If the application package is complete, the court will send it to the Alberta Attorney General to forward to the reciprocating jurisdiction. The law says that a government official – the ‘designated authority’ – must send all applications to the reciprocating jurisdiction.

When your application is sent to the reciprocating jurisdiction, you will get a letter from the court saying it has been sent. You can expect a letter from the court within about 8 weeks.

Parties filing ISO documents with the courts have a legal duty to keep the court informed of any change of address. It is very important that you update the court if any of your contact information changes.

Your package will be reviewed again when it gets to the reciprocating jurisdiction. If more information is needed, the reciprocating jurisdiction will contact you directly, or may contact the Alberta court. When everything is complete, the package goes to court.

**At the reciprocating court**

The respondent (the other person) will receive formal notice that you have made an application to the court. The respondent will get a copy of your application. A court date is set, and the respondent is told to file a package of sworn documents at the reciprocating court.

On the court date a Judge will look at the package of documents you sent, along with any documents the

respondent filed. If the respondent is at court (with or without a lawyer), the court may hear sworn evidence from the respondent. The Judge can then make an order.

**Note:** Sometimes the Judge will want more information from you before making an order. This may be to get more up-to-date information. Or the respondent might say something in court and the Judge wants to hear what you have to say. If this happens, the court will make a ‘Request for Further Information’ saying what it needs from you. The court officials will send this document to the Alberta court. The court will then send the request on to you, so it is very important to advise the court where you filed your documents of any change of address. What you send back must be sworn. The court case will continue when you return the information.

**The Court Order**

When the court has all the information it needs, it will make an order. The court will write the order, and you will receive a copy from the Alberta court.

*It is important that you know this fact:* just because you ask for something, doesn’t mean you will get it. You have asked the court to make decisions for you about the financial part of your family life. You may have taken this step because you and the respondent can’t work things out between you. The court will look at all the information it is given, and will make a decision on your application. It’s what you have asked the court to do. The court may give reasons for making a particular order, and you will get a copy of those reasons. If you do not agree with the order, or think that the court did not have all the facts, you can appeal the decision of the court or make another application. You may wish to seek legal advice promptly in the event you disagree with the decision of the court.

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If you have looked through the Forms and ISO Guides, you know that you have a lot of work to do. Take it one step at a time, don’t rush, and be sure to include all the information the court needs. Know that there are no guarantees, but that, with care and attention to detail, you can prepare a reciprocal package on your own. You are doing this for yourself, and your family.