

Provisional Order

(For a Support Application under the
Interjurisdictional Support Orders Act)

Where a Provisional Order is required by the reciprocating jurisdiction where the Respondent resides, and where there is no existing child support order between yourself and the Respondent, use this form to prepare your draft Provisional Order.

Before submitting this Provisional Order to the Court for the approval of a Judge or Justice, make sure that you complete the following:

- include your full name and the respondent's full name in the form and on the backer
- fill in the guideline incomes and the children's names and dates of birth
- include all of the terms of the Provisional Order that you are requesting
- add or cross off paragraphs, or change the wording of the sample Provisional Order as necessary to reflect the terms of the Provisional Order that you are requesting. Sample terms are included with this form. These terms are just samples. If you need to add paragraphs or other terms you may need to re-type the sample Provisional Order
- number all of your paragraphs consecutively (1,2,3...)
- make four copies of your Provisional Order (total of five with the original) and take them to the Clerk's Office at the Court of Queen's Bench.

Use a ruler when crossing off the paragraphs that don't apply to you. Cross them out by drawing a straight line through the first and last lines and a diagonal line joining them to form a "Z." Make sure that you put your initials at the beginning and at the end of every strikeout that you make. You cannot use 'white out'.

The judge may not be prepared to sign a Provisional Order with crossed off sections or handwritten paragraphs. In this case, you will have to re-type the Provisional Order. Also, a judge's signature cannot appear on a page by itself.

Action No.

IN THE COURT OF QUEEN'S BENCH OF ALBERTA
JUDICIAL DISTRICT OF _____

IN THE MATTER OF THE
INTERJURISDICTIONAL SUPPORT ORDERS ACT,
S.A. 2002, c. I-3.5

BETWEEN:

YOUR NAME

Claimant

- and -

OTHER PARTY'S NAME

Respondent

BEFORE THE HONOURABLE MR./MADAM)
JUSTICE _____) ON _____, THE _____
AT THE LAW COURTS BUILDING,) DAY OF _____, 20____.
IN _____, ALBERTA)

PROVISIONAL ORDER

UPON THE PROVISIONAL APPLICATION of the Claimant, pursuant to section 7(1) of the *Interjurisdictional Support Orders Act*, S.A. 2002, c. I-3.5; AND UPON READING the Support Application filed on behalf of the Claimant;

AND UPON the Respondent having been found to have an annual Guideline income of \$_____; AND UPON the Claimant having been found to have an annual Guideline income of \$_____;

AND UPON the Court being advised that the name and birth date of each child is as follows:

_____, born _____;
NAME MONTH/DAY/YEAR
_____, born _____;
_____, born _____;
_____, born _____;

IT IS HEREBY DECLARED THAT:

1. Declaration of Parentage

Pursuant to s. 11(1) of the *Interjurisdictional Support Orders Act*, S.A. 2002, c. I-3.5, and for the purposes of the support application herein, the Respondent is the parent of the child(ren) named above and born to the Claimant, _____.
YOUR NAME

IT IS HEREBY ORDERED THAT:

2. Standard Child Support Payment Clause

_____ shall pay to _____
PAYOR'S FULL NAME RECIPIENT'S FULL NAME
the sum of \$ _____ per month for the support of the child(ren) of the parties'
MONTHLY PAYMENT
relationship, namely _____
NAME(S) OF CHILD(REN)
commencing _____, 20_____, and continuing on the _____ day
COMMENCEMENT DATE PAYMENT DATE
of each and every month thereafter.

3. Add-on or Additional Expenses (if applicable)

_____ shall pay to _____
PAYOR'S FULL NAME RECIPIENT'S FULL NAME
the sum of \$ _____ per month for additional expenses for the said child(ren)
MONTHLY PAYMENT
commencing _____, 20_____, and continuing on the _____ day
COMMENCEMENT DATE PAYMENT DATE
of each and every month thereafter, allocated as follows:

<u>Child</u>	<u>Nature of Add-on Expense</u>	<u>Monthly Amount or Percentage</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

____. The amounts owing under this Order shall be paid to the Director of Maintenance Enforcement at 7th floor, 10365 - 97 Street, Edmonton, Alberta, T5J 3W7, and shall be enforced by the Director unless the creditor files with the Court and the Director a Notice, in writing, that he/she does not wish the Order to be enforced by the Director pursuant to Section 7 of the *Maintenance Enforcement Act*.

____. **This Provisional Order is of no force or effect until confirmed by a court of competent jurisdiction in a reciprocating state where the Respondent resides.**

 Justice of the Court of Queen's Bench
 of Alberta

ENTERED this _____ day of
 _____, 20_____.

 Clerk of the Court

Action No.: _____
YOUR COURT ACTION NUMBER

IN THE COURT OF QUEEN'S BENCH OF ALBERTA
JUDICIAL DISTRICT OF _____.

IN THE MATTER OF THE
**INTERJURISDICTIONAL SUPPORT
ORDERS ACT**, S.A. 2002, c. I-3.5

BETWEEN:

YOUR NAME _____ Claimant

- and -

OTHER PARTY'S NAME _____ Respondent

PROVISIONAL ORDER

YOUR NAME _____

YOUR ADDRESS _____

(_____)
YOUR PHONE NUMBER

Sample Clauses to Include in Your Provisional Order

The following paragraphs are some example clauses that may fit your case.

Change or adapt these examples to suit your own situation. You will have to write your own clauses that reflect the Provisional Order you are asking the judge to approve.

Note: These clauses are not actual legal advice. They simply show you how to present information that may be needed in special circumstances. These samples do not replace your need to obtain legal advice to ensure that the terms that you use in your Provisional Order have the desired result, nor are they an exhaustive list of terms available to you.

Medical and Dental Coverage

____. [NAME] shall provide medical and dental insurance coverage for the child(ren).

Child Over the Age of Majority

____. The Respondent shall pay to the Claimant the sum of \$_____ per month for [CHILD'S NAME] a child of the parties' relationship over the age of majority, payable on the 1st day of each month, commencing [START DATE].

Undue Hardship

____. Having satisfied the Court that payment of the amount of child support prescribed in the Federal Child Support Guidelines would cause [NAME] undue hardship due to [set out all circumstances of undue hardship], the Respondent shall pay to the Claimant for the support of the child(ren) of the parties' relationship, namely [NAME(S) OF CHILD(REN)] the sum of \$_____ per month, payable on the 1st day of each month commencing [START DATE], up to and including [END DATE].

[and]

____. The child support shall be revisited in [MONTH] of [YEAR], it being determined that the cause of the undue hardship should be eliminated by that date.

[or]

____. It is further ordered that commencing [START DATE], the Respondent shall pay the amount prescribed by the Guidelines, namely \$_____ per month.

Support for Claimant

____. The Respondent shall pay to the Claimant the sum of \$_____ per month for the support of the Claimant, payable on the 1st day of each month, commencing [START DATE].

____. Support for the Claimant shall terminate on [END DATE], unless otherwise ordered by this court.

____. Support for the Claimant shall terminate upon the happening of any of the following events:
[LIST TERMINATING EVENTS].

____. The Respondent shall pay to the Claimant the lump sum of \$_____, for the support of the Claimant, payable on or before [PAYMENT DATE].