

## Provisional Variation Order

(Support Variation Application under the  
***Interjurisdictional Support Orders Act***)

Where Provisional Variation Order is required by the reciprocating jurisdiction where the Respondent resides, and where there is an existing support order between yourself and the Respondent, **use this form to prepare your draft Provisional Variation Order.**

Before submitting this Provisional Variation 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
- fill in paragraph 1 with information about the Judgment/Order that this Provisional Variation Order changes
- include all of the terms of the Provisional Variation Order that you are requesting
- add or cross off paragraphs, or change the wording of the sample Provisional Variation Order as necessary to reflect the terms of the 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 Variation Order
- number all of your paragraphs consecutively (1,2,3...)
- make four copies of your Provisional Variation 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 an Order with crossed off sections or handwritten paragraphs. In this case, you will have to re-type the Provisional Variation 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

Applicant

- 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 VARIATION ORDER**

UPON THE PROVISIONAL VARIATION APPLICATION of the Applicant, pursuant to section 27(1) of the *Interjurisdictional Support Orders Act*, S.A. 2002, c. I-3.5; AND UPON READING the Support Variation Application filed on behalf of the Applicant;

AND UPON the Respondent having been found to have an annual Guideline income of \$ \_\_\_\_\_; AND UPON the Applicant 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 of the parties' relationship is as follows:

\_\_\_\_\_, born \_\_\_\_\_;  
NAME MONTH/DAY/YEAR  
\_\_\_\_\_, born \_\_\_\_\_;  
\_\_\_\_\_, born \_\_\_\_\_;  
\_\_\_\_\_, born \_\_\_\_\_;

**IT IS HEREBY ORDERED THAT:**

1. The Order granted by the Honourable Judge / Justice \_\_\_\_\_  
NAME OF JUDGE/JUSTICE  
on \_\_\_\_\_, is hereby varied.  
DATE OF EXISTING ORDER

**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 children  
MONTHLY PAYMENT  
commencing \_\_\_\_\_, 20\_\_\_\_\_, and continuing on the \_\_\_\_\_ day  
COMMENCEMENT DATE PAYMENT DATE  
of each and every month thereafter, allocated as follows:

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

\_\_\_\_\_  
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\_\_\_\_. 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 Variation 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

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

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

**BETWEEN:**

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YOUR NAME

Applicant

- and -

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OTHER PARTY'S NAME

Respondent

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**PROVISIONAL VARIATION ORDER**

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YOUR NAME

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YOUR ADDRESS

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( \_\_\_\_\_ )  
YOUR PHONE NUMBER

## **Sample Clauses to Include in Your Provisional Variation 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 Variation Order you are asking the judge to approve.

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**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 Variation Order have the desired result, nor are they an exhaustive list of terms available to you.

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### **Medical and Dental Coverage**

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

### **Child Over the Age of Majority**

\_\_\_\_\_. [PAYOR'S NAME] shall pay to [RECIPIENT'S NAME] the sum of \$\_\_\_\_\_ per month for [CHILD'S NAME] a child of the parties' relationship over the age of majority, payable on the 1<sup>st</sup> day of each month, commencing [START DATE].

### **Undue Hardship**

\_\_\_\_\_. Having satisfied the Court that payment of the full 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], [PAYOR'S NAME] shall pay to [RECIPIENT'S NAME] 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 1<sup>st</sup> 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], [PAYOR'S NAME] shall pay the amount prescribed by the Guidelines, namely \$\_\_\_\_\_ per month.

### **Support for Claimant/Applicant**

\_\_\_\_\_. [PAYOR'S NAME] shall pay to [RECIPIENT'S NAME] the sum of \$\_\_\_\_\_ per month for the support of [RECIPIENT'S NAME], payable on the 1<sup>st</sup> day of each month, commencing [START DATE].

\_\_\_\_\_. Support for [RECIPIENT'S NAME] shall terminate on [END DATE], unless otherwise ordered by this court.

\_\_\_\_\_. Support for [RECIPIENT'S NAME] shall terminate upon the happening of any of the following events:  
[LIST TERMINATING EVENTS].

\_\_\_\_\_. [PAYOR'S NAME] shall pay to [RECIPIENT'S NAME] the lump sum of \$\_\_\_\_\_, for the support of [RECIPIENT'S NAME], payable on or before [PAYMENT DATE].

### **Arrears – Reduction/Cancellation**

\_\_\_\_\_. The arrears of support owing by [PAYOR'S NAME] as of [DATE], are hereby reduced to \$\_\_\_\_\_.

**[or]**

\_\_\_\_\_. The arrears of support owing by [PAYOR'S NAME] as of [DATE], are hereby cancelled.

### **Arrears – Repayment**

\_\_\_\_\_. [PAYOR'S NAME] shall pay the arrears as follows:  
[DETAIL PAYMENT ARRANGEMENTS].