

Child Support

Court of Queen's Bench

Application for
Child Support

Government of Alberta ■
Justice and Attorney General

Instructions

Child Support

Before you Begin:

- You must have a divorce file in the Court of Queen's Bench to use this form. If you do not, talk to us about how to start.
- See our booklet, "Making a Court Application in the Court of Queen's Bench (With an Application Form)" for more information about how to prepare, file and serve court forms and how to present your case in court.

Gather up the documents you will need to prove your case

- It is usually helpful for the judge to see proof of income for both parties. You must file your income information if any of the following applies:
 - Any of the children live with the other party;
 - You and the other party have shared or split custody; or
 - You are claiming any special or extraordinary expenses for the children.
- The income information that you must provide is:
 - Your complete tax return for each of the past 3 years;
 - The Notice of Assessment form from the tax department for each of the past 3 years; and
 - Your pay stub or other proof showing the income you have received from all sources this year.
- If you are self-employed, work through a corporation that you control or are in a partnership, you must also provide financial statements, corporate tax returns and other proof of income. See the Notice to Disclose / Application form for a complete listing.



Tip:

If you have already attached your income information to a filed Affidavit or to a Response to Notice to Disclose, you do not have to provide it again.

- There may be other documents that you should attach to your court forms. For example:
 - If you are asking for any special or extraordinary expenses for your children, attach receipts for those expenses, if you have them.
 - If you are claiming support for a child over the age of 18, attach income information for that child for any year in which they have earned an income.
 - If you are claiming support for a child over the age of 18 because they are in school, attach proof that they are registered in an educational institution, including the number of classes and/or hours per week of instruction.

- If you are asking for retroactive support, attach income information back to the date that you are wanting the support to begin.
- If you are claiming undue hardship, attach income information for any other adult in your household.

Fill in the Application form

- Follow the instructions on the form and in the “Making a Court Application” booklet.

Fill in the Affidavit form

- Follow the instructions on the form and in the “Making a Court Application” booklet.
- This form has been prepared with the information that the court is likely to want to see. You can, if you wish, change the content of the form to set out the information in a way that you think is best.
- All of the documents that you want the judge to see must be written about in the Affidavit and attached as exhibits to the Affidavit.

After the other party has been served, fill in the Affidavit of Service form

- Follow the instructions on the form and in the “Making a Court Application” booklet.

These instructions have been prepared for you by Family Justice Services / Family Law Information Centre. Contact us at:

Calgary

Family Justice Services
7th floor, Calgary Courts Centre
601 - 5 Street SW
Phone 403-297-6981

Edmonton

Family Law Information Centre
Main Floor, Law Courts
1A Sir Winston Churchill Square
97 Street & 102A Avenue
Phone 780-415-0404

Grande Prairie

Law Information Centre
Main Floor, Court House
10260 - 99 St.
Phone: 780-833-4234

Lethbridge

Family Justice Services
1st Floor, Court House
320 - 4 St. S
Lethbridge AB T1J 1Z8
Phone: 403-388-3102

Red Deer

Family Justice Services
Main Floor, Court House
4909 - 48 Ave
Phone: 403-755-1468

Medicine Hat

Family Justice Services
Court House
460 First Street SE
Medicine Hat, AB T1A 0A8
Phone 403-529-8716

Outside these centres, contact us toll free at 310-0000

Clerk's Stamp

COURT FILE NUMBER _____
COURT Court of Queen's Bench of Alberta
JUDICIAL CENTRE _____
APPLICANT _____
RESPONDENT _____

DOCUMENT

Family Law Application for Child Support

ADDRESS FOR SERVICE
AND CONTACT
INFORMATION OF PARTY
FILING THIS DOCUMENT _____
Applicant's Name

Full address

() _____

NOTICE TO THE RESPONDENT(S)

This application is made against you. You are a Respondent. You have the right to state your side of this matter before the judge. To do so, you must be in Court when the application is heard as shown below:

COURT DATE: _____, _____, 20____.
Weekday *Month* *Day* *Year*

TIME: _____
Time of Day

WHERE: _____
Courtroom (if known), Street address of courthouse

BEFORE WHOM: **Justice in Family Chambers** _____

Go to the end of this document to see what else you must do and when you must do it.

1. REMEDY CLAIMED OR SOUGHT

Child Support:

- An Order for the table amount of child support starting on:

_____ *(Date you want the child support order to start)*

If you know the amount of child support that would be payable under the Federal Child Support Guidelines, enter that amount here:

\$

_____ *(Amount)*

- An Order for child support in the amount of \$_____ per month, which is different than the table amount under the Federal Child Support Guidelines.

- An Order setting my income and / or the other parent's income for the purpose of child support.

- An Order setting the percentage or amount that each parent is required to contribute to the following Section 7 expenses: *(Check the boxes that apply)*

- child care expenses
- medical / dental insurance premiums
- health related expenses that are more than \$100 per year
- extraordinary school expenses
- post-secondary education expenses
- extraordinary expenses for extracurricular activities

- An Order that the Respondent pay retroactive child support back to

_____ *(Date you want retroactive child support to start)*

- Any other remedies, including costs, that the Court determines to be appropriate.

- Other: *(Describe any other changes that you would like to your child support order)*

2. GROUNDS FOR MAKING THIS APPLICATION:

My grounds for making this application are set out in my Affidavit sworn on: _____.
(Date)

3. MATERIAL OR EVIDENCE TO BE RELIED ON:

I am relying on the evidence set out in my Affidavit sworn on: _____.
(Date)

I am relying on the following: *(Describe the evidence you are relying on)*

4. APPLICABLE RULES:

- Rule 13.5 Variation of time period
- Other: *(Please indicate Rule Number)*

5. APPLICABLE ACTS AND REGULATIONS:

- Divorce Act (Canada)*
- Federal Child Support Guidelines*
- Other: (Please indicate other Acts / Regulations)*

6. ANY IRREGULARITY COMPLAINED OF OR OBJECTION RELIED ON:

- Not applicable
- Specify: _____

7. HOW THE APPLICATION IS PROPOSED TO BE HEARD OR CONSIDERED:

(Specify)

(In most circumstances, this section will be left blank. But, if you are asking for your application to be heard in a different way (such as videoconference, or teleconference) you must speak with the Clerk about what to write in this space.)

WARNING

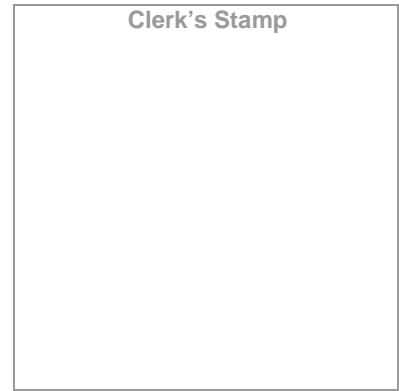
If you do not come to Court on the date and time shown above either in person or by your lawyer, the court may give the Applicant what the Applicant wants in your absence. You will be bound by any order that the Court makes.

If you intend to rely on an affidavit or other evidence when the application is heard or considered, you must:

- Swear or affirm an affidavit;
- File the affidavit or other evidence with the Court; and
- Serve the affidavit or other evidence on the applicant a reasonable time before the application is scheduled to be heard or considered.

Clerk's Stamp

COURT FILE NUMBER _____
COURT Court of Queen's Bench of Alberta
JUDICIAL CENTRE _____
APPLICANT _____
RESPONDENT _____



DOCUMENT: **Affidavit - Child Support**

SWORN / AFFIRMED BY: _____
Name of person making this Affidavit

SWORN / AFFIRMED ON: _____
Date Affidavit sworn / affirmed

ADDRESS FOR SERVICE
AND CONTACT
INFORMATION OF PARTY
FILING THIS DOCUMENT

Name

Full address

() _____

I, _____, of _____, Alberta,
Your name *Name of City / Town*

SWEAR / AFFIRM AND SAY THAT:

1. I have personal knowledge of the following information, except where I say that what is stated is based on information from another person, in which case, I believe that information to be true.

GENERAL INFORMATION

2. I am: *(Choose one)*

married to the Respondent. We separated on _____, _____.
Date *Year*

divorced from the Respondent. We were divorced on _____, _____.
Date *Year*

3. The following chart gives basic information about the child(ren) in this case:
(List all children involved in this case, even those for whom no support is being claimed)

Child's full legal name	Age	Birthdate (dd / mm / yyyy)	Support claimed for child? (YES or NO)

4. The existing custody and access arrangements for the child(ren) are as follows:
(Give details of the arrangements that currently apply to the children. Specify dates and times)

Child's name	Custody / Access Arrangement

CHILD SUPPORT

5. Check the box that contains the statement that is true for you:

- The other parent and I **do not** have a verbal or written agreement for me or the other parent to pay child support.
- The other parent and I have a verbal or written agreement for me or the other parent to pay child support. (If you checked this box please provide the details below.)

The details of our child support agreement are as follows:

Date of or agreement (dd / mm / yyyy)	Present monthly child support payment	Other details about our child support agreement
	\$	

(Only check off this box if you are attaching a copy of the written agreement to your Affidavit). Attached as Exhibit '_____' is a copy of the written agreement between me and the other parent for payment of child support.

'Add on' or Special Expenses

6. (Choose one)

I have no special expenses for the child(ren).

I have the following special expenses for the child(ren):

Special Expense	Gross Annual Amount
Child care expenses (daycare/babysitting)	\$
Children's portion of medical or dental premiums	\$
Health-related expenses in excess of \$100 annually per illness or event, net of reimbursement	\$
Extraordinary expenses for primary/secondary school	\$
Expenses for post-secondary education Tuition amount: \$ _____	\$
Extraordinary expenses for extracurricular activities	\$

(Give details about each expense, including any contribution from child, the name of the child that each expense is for, and the nature of each expense. If you are attaching any receipts, they must be marked as exhibits).

I believe the above special expenses are necessary and reasonable because: (Give details)

Medical or Dental Insurance Coverage

7. (Choose one)

I do not have health benefit coverage available to me for the children.

I have health benefit coverage available to me for the children. Details of the plan are:
(Give details of coverage and cost of the plan)

- The Respondent does not have health benefit coverage available to him/her for the children.
- The Respondent does have health benefit coverage available to him/her for the children and I am asking that he/she keeps this coverage for the children. Details of the plan are:
(Give details of coverage and cost of the plan)

Income of the Applicant

8. I am the Applicant and *(Choose one)*:

- I am the person who will be receiving child support under a Court order (recipient).
- I am the person who will be paying child support under the Court order (payor).

I expect my gross annual income this year to be \$ _____ , because:

9. My current employment status is as follows: *(Choose all that apply)*

- I am employed.
- I am self-employed.

Details of my employment / self-employment are:

(Name and address of employer or place of business)

(Position)

(Length of time in this position)

- I have been unemployed since _____ and details of my unemployment are:
Date

(Give details, including prospects of employment and benefits you are receiving, steps you are taking to find employment, or if in school, type of program and expected completion date)

10. (Choose one)

I am not a shareholder, director or officer of a corporation.

I am a shareholder, a director, and/or an officer of a corporation.

Attached as Exhibit '_____' to my Affidavit are copies of the financial statements of this corporation for each of the last 3 years.

11. Attached as Exhibit '_____' to my Affidavit are copies of: (Choose one)

my Income Tax and Benefit Return (T1 General) and notices of assessment and reassessment from Canada Revenue Agency for each of the 3 most recent taxation years.

the Canada Revenue Agency printout of my income tax returns for the last 3 years.

12. Attached as Exhibit '_____' to my Affidavit are copies of: (Choose one)

my 3 most recent pay statements from my employer.

a statement from my employer outlining my gross pay and deductions for the year to date, and my rate of annual salary.

13. Attached as Exhibit '_____' to my Affidavit are copies of my other financial information:

(Attach any other relevant documents to support the guideline income calculation, such as: student finance information or the most recent statements of income from employment insurance, social assistance, pension, disability, or workers compensation.)

14. (Choose one)

I do not expect any significant changes in my employment situation.

I expect the following changes in my employment situation:

(Describe changes, including expected raises or changes in salary)

Income of the Respondent

15. The other parent is the Respondent and (Choose one):

He or she is the person who will be paying child support under the Court order (payor).

He or she is the person who will be receiving child support under a Court order (recipient).

I believe the Respondent's gross annual income is \$ _____, because:

16. The Respondent's current employment status is as follows: *(Choose all that apply)*

- I do not know anything about the Respondent's current employment status.
- The Respondent is employed.
- The Respondent is self-employed.

Details of his/her employment / self-employment are: *(provide if known)*

(Name and address of employer or place of business)

(Position)

(Length of time in this position)

- The Respondent has been unemployed since _____ and details of his/her
Date
unemployment are:

(Give details, if known, including prospects of employment and benefits the Respondent is receiving, steps he/she is taking to find employment, or if in school, type of program and expected completion date)

17. *(Choose one)*

- I do not know if the Respondent is involved in a corporation.
- The Respondent is a shareholder director officer of a corporation.
- I do not have any financial documents from this corporation.
- Attached as Exhibit '_____' to my Affidavit are copies of the financial statements of this corporation that I have in my possession or that the Respondent provided to me.

18. *(Choose one)*

- I do not have any of the Respondent's income tax information.
- I have copies of the Respondent's income tax documents. Attached as Exhibit '_____' to my Affidavit are copies of the Respondent's income tax documents that I have in my possession or that have been provided to me by the Respondent.

19. (Choose one)

I do not have any documents providing me with details of the Respondent's pay from employment.

Attached as Exhibit '_____' to my Affidavit are copies of pay stubs or a statements from the Respondent's employer that I have in my possession or that have been provided to me by the Respondent.

20. Attached as Exhibit '_____' to my Affidavit are copies of:

(Attach any other relevant documents to support the guideline income calculation for the Respondent, such as: student finance information or the most recent statements of income from employment insurance, social assistance, pension, disability, or workers compensation)

Imputing Income

21. (Complete only if you want the Court to impute income to the Respondent)

I have served a Notice to Disclose on the Respondent but the Respondent fails to provide me with the required information I ask the Court to impute an income of \$ _____ to the Respondent for the following reasons:

Retroactive Support

22. (Complete only if you want retroactive child support from the Respondent)

I am asking for the Respondent to pay retroactive child support starting _____ (date you want the retroactive child support to start). I am asking for retroactive child support for the following reasons:

Clerk's Stamp

COURT FILE NUMBER _____

COURT Court of Queen's Bench of Alberta

JUDICIAL CENTRE _____

APPLICANT _____

RESPONDENT _____



DOCUMENT **Affidavit of Personal Service**

SWORN / AFFIRMED BY _____
Name of person making this Affidavit

SWORN / AFFIRMED ON _____
Date Affidavit sworn / affirmed

ADDRESS FOR SERVICE AND CONTACT INFORMATION OF PARTY FILING THIS DOCUMENT

Name

Full address

 () _____

I, _____, of _____, Alberta,
(Name of person who served) (Name of City / Town)

SWEAR / AFFIRM AND SAY THAT:

- I have personal knowledge of the following information, except where I say that what is stated is based on information from another person, in which case, I believe that information to be true.
- I am 18 years of age or older.
- On _____, I served the Applicant OR Respondent
(Date)

_____ with the following documents:
(Name of the Applicant or Respondent)

- Application form filed _____
(Date filed)
- Originating Application form filed _____
(Date Filed)

Affidavit filed _____
(Date Filed)

Claim filed _____
(Date Filed)

Statement filed _____
(Date Filed)

Order filed _____
(Date Filed)

Other:
(Name of document and date filed with the Court. If not filed, attach a true copy of the document as an Exhibit to this Affidavit)

4. I served the documents listed above by personal service, that is, I left the documents with the Applicant OR Respondent at:
(Complete address where you served the Applicant or Respondent)

Sworn (OR Affirmed) before me
on _____, 20 ____
at _____, Alberta.

Commissioner for Oaths
in and for the Province of Alberta, Justice
of the Peace or Notary Public



Signature of person swearing / affirming Affidavit

I.D. Verified _____