

## Support Application / Support Variation Application

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This is the first of a series of forms and FormSupport guides for your application for a reciprocal support order. Form A is the first part of your application. It tells the court what you are asking for and who you are. It gives a brief summary of any court action involving support, and a history of your relationship with the respondent. It is a place for you to list all the other forms you are including. Finally, it is the document which is sworn – it is your evidence, under oath, to the reciprocating jurisdiction which will make an order. The reciprocating jurisdiction is the place where the other person lives.

You will not fill out Form A all at once. Choices you make on Form A will send you to other forms and guides. As you finish one form you can come back and complete a section of Form A. Use the Worksheet section at the end of this FormSupport guide to make a note of any documents you need to get, or work to be done.

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### Filling out Form A

On Form A, and all the other forms, make sure you have a ‘working’ copy, and a ‘good’ copy. Put the ‘good’ copy aside to use later.

1. The first step is deciding what kind of application this is. If it’s a ‘first’ application – where there has never been a court order about support – you check off the ‘Support Application’ box. If you have an order, and you want to change the support part, check off the ‘Support Variation Application’ box.
2. You are the person applying for an order. Fill in the first large block of information with your name, and your addresses, telephone number, and fax number (if you have one). You can choose to use another address to receive documents. Check off **one** of the three boxes at the bottom of the block. The other person *will* get a copy of your application, and it will be on a court file.
3. Fill in the information about the respondent. The respondent is the ‘other person’. You must have an address for the respondent in a “reciprocating

jurisdiction”. If you are not certain whether the address you have for the respondent is current, but it is the most recent address you are able to obtain, you should provide it, but try to provide the most current and accurate information you can find as this will help the application to be processed more quickly.

4. Under the two big blocks of information there is a little statement about social assistance. Please read it carefully. If you are receiving social assistance, or the respondent is or may be, or has in the past, check off the box which applies. In many parts of Canada, when a person receives social assistance the right to support payments may be “assigned” to the government. By checking off one of these boxes the social assistance agency can be notified that an application has been made. This is important as failure to notify a social assistance agency that an application to change support and/or arrears in particular may cause problems for you or the respondent.

### Your claim

The bottom part of the first page of Form A is the claim. It’s a very brief way of telling the court, and the respondent, what you are asking for. For each claim you will fill out at least one other form. You should fill out the other forms before filling in the claim part. After you fill out a form you will come back to Form A with the information you need for your claim. Each of the forms has its own FormSupport guide. If your claim is:

### For SUPPORT

Use this part if you *do not* have a support order now. Look at the FormSupport Introduction guide which came with this package. It will tell you which forms you need for each type of claim.

### For SUPPORT VARIATION

Use this part if you *have* a support order or written agreement now, and you want to change it. Look at the FormSupport Introduction guide which came with this package. It will tell you which forms you need for each type of claim.

## Legal Authority on which my application is based

After you read the two choices, you may say: “How am I supposed to know which law to ask for?” And that’s a very good question. For two places to agree to recognize and honour each other’s laws (reciprocate), they must first have family support laws that are similar. But there can be differences which are important to you. For that reason, you can ask the court to look at your law too.

When it comes to child support, the court will usually look at the law that is best for the child, so you might want to check off the first box so that the Designated Authority will add a copy of the Yukon law when it sends the documents to the reciprocating jurisdiction.

If you are applying for support for yourself, or are asking to change an existing support order, the laws can be complex. Who gets support, how long it lasts, the ‘tests’ the court looks at when it makes or changes a non-child support order – these are different in all reciprocating jurisdictions. Again, if you check the first box, the court will take a look at the Yukon law, but is not required to follow it. And if you and the other person never lived together in the Yukon, Yukon law may not apply. If you last lived together somewhere other than the Yukon or the jurisdiction where the respondent lives now, you will have to obtain a copy of the law from the jurisdiction where you last lived together and include it with your application package. For example, if you lived together in Ontario and when you separated, the respondent moved to BC and you moved to the Yukon, you will need to provide the Ontario law that determines whether you would have been entitled to support for yourself if you still lived in Ontario.

This FormSupport guide cannot give you legal advice. For a straightforward child support or variation application in Canada, the laws are much the same across the country.

If your application is to a foreign country, or involves an older child, or is for support (or variation of support) for a non-child (also called ‘spousal’ support), it may be wise to let the court know what the Yukon’s laws are.

## Case History: Previous Court Orders or Agreements

Remember that Form A is a summary. The court can look at the form and see who you and the respondent are, and what you are asking for. In this section you are telling the court about any court action or agreements about support. If you and the respondent have any orders or agreements which deal with a declaration of parentage, or support, this is where you let the court know.

Read through the list first. More than one of the choices may apply to you. If you have never had an order or agreement, check the first box. The second box is about court orders (including adoption orders). The third box is about written agreements. If you have an order or an agreement that has been registered with a court, you must attach a certified copy. If your agreement has not been registered with a court, you may attach a copy.

The last three boxes are about divorce action. Pick the one that applies to you.

### About certified copies

The court that makes an order has the original order, signed by the judge, on its file. A certified copy is a copy made by the court from the original order. It has a stamp on it saying it is certified by the court. The stamp has an original signature from a court official.

If a written agreement is registered with a court, the court can make a certified copy of the agreement. Like the order, it will be stamped as certified by the court, and the stamp will have an original signature of a court official.

If you have a copy that your lawyer sent you, it is probably **not** certified. You can get a certified copy from the court which made your order, or where the written agreement was registered. Tell the court you need the certified copy for “reciprocal registration”.

## Family History

This section gives a short history of your relationship with the respondent, and about any children. Read through the list first. More than one of the choices may apply to you. Check any of the choices that apply to your family with the respondent. Fill in any dates.

## Documents Attached

When you have finished the other forms you need, come back to Form A and fill out this section. You can use it as a check-list when you put your package of documents together. Check off any forms you are including.

In the 'Other Documents Attached' section, check off the first box (Legal or Statutory Authority for application) **if** you checked off the first box under Legal Authority at the top of the page. The Designated Authority will add a copy of the Yukon law for you. Make sure you have a certified copy of any support orders or written agreements, and check off the box.

Some reciprocating jurisdictions (mostly those in foreign countries) have special forms they need. The Designated Authority can tell you if any additional special forms are needed in your case. If you have filled out any of those forms, check off the third box.

On the last page list any other documents. Most will be with a specific form, and you don't have to list them here. This is for any other type of document you want the court to see.

## Completing Your Application

Congratulations! You have filled in a set of forms to make an application to the court in the reciprocating jurisdiction. You have taken time, and a lot of work, to gather information and put it all together. You have been using your 'working' copy of each of the forms. Now it's time to make a 'good' copy.

**Note: Do NOT** sign your 'good' copy of Form A! This is the part of the application which must be sworn. Read the part of the FormSupport Introduction guide called 'Swearing / Affirming your application'.

When you make your 'good' copy, it is important to be neat and legible. You can do a hand-written application (use ink). Take your time. This is the application that the court, and the respondent, will see. If you have access to the internet, all these are available on-line at the Yukon Family Justice website at

<http://www.justice.gov.yk.ca/prog/famjust.html>

Look under 'Separation and Divorce', and choose 'Interjurisdictional Support Orders'. Then print the forms and guides you need.

You may also request the forms by:

1. Mailing your request to:

ISO Office  
C/O Maintenance Enforcement Program  
Court Services  
Box 2703 (J-3M)  
Whitehorse, Yukon  
Canada Y1A 2C6

2. Picking up forms at the MEP office in Whitehorse:

Ground floor  
Andrew A. Philipsen Law Centre  
2134 Second Avenue

3. Phoning the MEPline:

Toll Free in 867 area code:  
1-877-617-5347

In Whitehorse and outside the Yukon:

867-667-5437

4. Picking up forms at the Supreme Court registry office in Whitehorse:

Ground floor  
Law Courts  
2134 Second Avenue

Check to make sure you have all the documents and forms you need. Are you ready? Go back to the FormSupport Introduction guide for details about swearing your application, making copies, where to send your application, and to see what happens next.

