

Applying for a
**Parenting Order and
a Support Order**
in New Brunswick



In the New Brunswick Judicial Districts of:
Bathurst, Campbellton, Edmundston,
Fredericton, Miramichi, Woodstock



Public Legal Education
and Information Service
of New Brunswick

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This publication does not contain a complete statement of the law in the area of family law, and laws change from time to time.

This Guide does not offer legal advice; it is for general information only. PLEIS NB and its contributors are not responsible for errors and misunderstandings. If you need advice on your specific legal position, please consult a lawyer.

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1. Introduction

Please see the glossary of terms in section 16 for an overview of the terms used in this guide.

*See Section 2.1 “Other Options” on page 6.

Judicial Districts are divided by counties. You can find a list of the Judicial Districts and their locations on page 43.

1.1 Is This Guide for Me?

This guide is to help people who must make their own applications for parenting time, decision-making responsibility and support in the Judicial Districts of Bathurst, Campbellton, Edmundston, Fredericton, Miramichi and Woodstock. It is also for people who want to change or enforce a Parenting Order, and for anyone who needs to respond to one of these kinds of applications.

This guide is not for people who can reach an agreement or who can get a lawyer. You should explore all the alternatives before deciding to make an application for parenting time, decision-making responsibility, or support without a lawyer.

For more information about other options, see section 2.1 of this guide. If none of these options work for you, you may be able to find a legal advice clinic or advocacy group in your community that can help you use this guide. You may also find it helpful to invest in legal advice if you have any problems.

1.1.1 Where This Guide Applies

This guide applies to parents of children who normally live in New Brunswick. It applies to the **Judicial Districts** of Bathurst, Campbellton, Edmundston, Fredericton, Miramichi, Woodstock. To find which Judicial District you are in, see Section 15 of this guide.

If you need to make the application in the Judicial Districts of Moncton or Saint John this guide does not apply to you. You can contact the Family Law Information Center (FLICs) at their respective courthouses:

Moncton:
Moncton Law Courts
145 Assomption Blvd, First Floor
Moncton, NB E1C 0R2
Telephone: 506-856-3131

Saint John:
Saint John Law Courts
10 Peel Plaza, Level 2 Floor
Saint John, NB E2L 3G6
Telephone: 506-658-2261

1.1.2 Divorcing Couples

This guide is not for couples that are applying for a divorce. They can use the **Doing Your Own Divorce in New Brunswick** guide. It is available at libraries around the province, or you can buy it from Public Legal Education and Information Service of New Brunswick. (PLEIS-NB) or from the court house in Moncton or Fredericton. You may also order and pay for the guide from any Service New Brunswick (SNB) office. The guide is also free on the Internet at www.legalinfonb.ca and www.familylawnb.ca.

1.1.3 Marital Property

Often when married couples separate they deal with other issues like how to divide their property. However, information on dividing marital property is beyond the scope of this guide. If you are married you can contact a lawyer for more information on this subject. Also, PLEIS NB **has a pamphlet available** on the *Marital Property Act* of New Brunswick.

1.2 How Will This Guide Help Me?

Type of Proceeding	Section
If you want to start court proceedings, this section can help you:	
Apply for a Parenting/Support Order	4
Apply to change a Parenting/Support Order	13.3
If someone has started court proceedings against you, this section can help you:	
Respond to a Motion to Change a Parenting/Support Order	7.7
Respond to a Motion to enforce a Parenting/Support Order	7.7
Respond to an application for a Parenting/Support Order	10

1.3 How Much Will It Cost?

The cost of making an application will depend on how complicated your case is and the choices you make.

If you are receiving social assistance under the *Family Income Security Act* or from the Legal Aid Program, there is no filing fee for parenting and support applications.¹ Your other costs will be for things like serving documents, and getting copies of the forms and photocopies.

If you are not receiving assistance under the *Family Income Security Act* or from the Legal Aid Program, you will have to pay these filing fees:

- \$75 for a Notice of Application (Form [73A](#) or [73AA](#)),
- \$10 for a Responding Affidavit.

For more information about these documents, see sections 4 and 10 of this guide.

Other costs may include:

- photocopying
- hiring someone to serve documents
- hiring a lawyer for specific questions or tasks
- fees for a Commissioner of Oaths
- fees for witnesses
- certified copies of birth and marriage certificates

Also, you may have to pay a photocopy fee to obtain blank copies of these forms or other forms, which you can get at any SNB office. Only certain forms are available from the courthouse. Most of the forms are also available online from the [Attorney General of New Brunswick](#).

Note that there are also some hidden costs when you go to court. This can include the cost of missed work, or paying for childcare while attending court.

1. Rule 73.20 of the *Rules of Court*.

2. Before you Start

2.1 Other Options

2.1.1 An Important Note

Carefully consider all other options for making parenting arrangements before you decide to apply to court without a lawyer. This guide explains the basic procedure for making an application, but there are many potential complications.

2.1.2 Parenting or Separation Agreement

If you and the other parent can agree about parenting time and decision-making responsibility on your own, you can write a parenting agreement. Sometimes people include parenting plans in a separation agreement along with other issues such as division of marital property and child support. If you can agree on parenting arrangements, you should both see separate lawyers to make sure that the agreement is in your child's best interests.

Going to court and asking a judge to decide for you is the last resort. It is only necessary if you cannot agree.

2.1.3 Support Agreement

If you make an agreement about child or spousal support, you can file this agreement with the court. It can then be enforced like a court order and it will be included under the Provincial [Office of Support Enforcement](#) (OSE). (See PLEIS NB's booklet on [Support Enforcement](#) for more information.)

2.1.4 Mediation

If you need some help to come to an agreement, you can try mediation. Mediators are trained to help people resolve conflicts and reach agreements. In mediation, a third person such as a social worker helps you and the other party negotiate an agreement. You can also have lawyers with you to help the discussion if needed.

Mediation may not always be appropriate if the relationship involved abuse, family violence, or intimate partner violence. See s.1 of the New Brunswick [Family Law Act](#) for a definition of family violence.

To find a mediator, you can search online for mediators in your area, ask friends or family for recommendations.

2.1.5 Legal Aid

The [New Brunswick Legal Aid Services Commission](#) provides free family legal representation for persons with low income or on income assistance. However, Legal Aid does not cover all family law proceedings. If you apply and qualify for a covered service, Legal Aid will provide you with a lawyer to help you apply for parenting time, decision-making responsibility, and support. For more information about Legal Aid, see the page about [Legal Aid in New Brunswick](#) on PLEIS NB's website.

2.1.6 Hire a Lawyer

If you can afford to hire a lawyer to make a parenting application, you should. It may seem expensive, but hiring a lawyer is an important investment. Parenting time and decision-making responsibility are emotional matters and are often complicated. A lawyer can help present your case and tell you about rights that you may not know you have. Look for a lawyer who specializes in family law. See the [Getting Legal Help](#) section of PLEIS NB's website. The Law Society of New Brunswick also has a [lawyer directory](#) you can use to find lawyers in your area.

2.1.7 Collaborative Law Process

Another alternative to mediation or going to court is the collaborative law process. If you and the other parent would prefer to be involved in negotiating and want to create a solution together, then the collaborative law process may work for you. It is a process where you each have a collaborative law lawyer and the four of you work as a team, working to understand each other's needs. You cooperate with the other parent to come up with the best solution for both of you and your children. Once you reach an agreement, the collaborative lawyers will help you get approval of the court.

2.1.8 Take a Parenting After Separation Course

Separation can be a time of pain, confusion, and sorrow for all involved. A free online information program for parents living separately is offered by Court Services Division, New Brunswick Department of Justice and Public Safety. It is called the "[Parent Information Program \(PIP\)](#)". You should consider registering for this course before you take action. Contact the toll-free line at 1-844-673-4499 during weekdays or email PIP@gnb.ca if you have any questions.

2.1.9 Making Your Own Application

You have the right to make your own application. Although it is always better to have a lawyer, you can make an application yourself asking for parenting time or decision-making responsibility for your children. This guide is meant to help you make the application yourself.

2. *Family Law Act*, SNB 2020, c23.

3. See sections 52(1) and 54 of the *Family Law Act*.

4. *Rules of Court*, NB Reg 82-73.

2.2 Understanding Parenting Time, Decision-Making Responsibility, and Support

2.2.1 The Legal Framework

A law called the *Family Law Act*² establishes the legal rights and responsibilities of parents and spouses in New Brunswick when they are not getting a divorce. If you are getting divorced, the law that applies instead is the federal *Divorce Act*. This guide does not cover divorce applications. Both parents have decision-making responsibility for their children unless there is a written agreement or court order that says otherwise.³ When a marriage or relationship breaks down, parents must make arrangements for their children's care. The *Family Law Act* contains the framework for applications for parenting time or decision-making responsibility outside a divorce context.

The Rules of Court⁴ contains the full procedures for court. You may need to refer to them if this guide does not cover all the court procedures that you need.

2.2.2 Where to Get Legislation

You might find the *Rules of Court* at a library. You can find the [Family Law Act](#), Acts and Regulations, [Forms of Court](#), and [Rules of Court](#) on the [Attorney General of New Brunswick's website](#).

You can also get these and other provincial legislation at the **King's Printer**, for a fee: P.O. Box 6000, Fredericton NB, E3B 5H1; telephone (506) 453-2520.

2.2.3 Other Sources of Information

To make your own application, you need to learn about parenting time, decision-making responsibility, and support. You can find resources at Family Law NB (www.familylawnb.ca) or PLEIS NB (legalinfonb.ca/) websites. They provide general information on topics such as:

- Parenting
- Spousal Support
- Child Support
- The New Brunswick Office of Support Enforcement (OSE)
- Living Together
- Legal Aid

Before you start an application on your own, you should read the rest of the information in Section 2 of this guide.

2.3 Eligibility to Apply for Parenting Time and Decision-Making Responsibility⁵

5. See section 52(2) of the *Family Law Act*.

2.3.1 Parents

The *Family Law Act* says that either parent can apply for parenting time or decision-making responsibility. It does not matter if the parents are married. Parents of an adopted child are included. If you are not the biological parent but have treated the child as your own, you may still be able to get parenting time or decision-making responsibility.

2.3.2 Other People

The *Family Law Act* also says that people other than parents can apply for parenting time, decision-making responsibility, or a Contact Order. For example grandparents, step-parents, aunts, uncles or others can apply.

2.4 Jurisdiction⁶

6. See section 68(1) of the *Family Law Act*.

2.4.1 What is Jurisdiction?

The court where you apply for an order must have the power to hear your case. This is called jurisdiction. In a parenting case, jurisdiction depends on where the child lives. For example, if the child has been in Ontario for the past five years and is still there, you could not bring an application in New Brunswick.

2.4.2 In New Brunswick

The court in New Brunswick has jurisdiction to hear your parenting case if:

- Your child is habitually resident in New Brunswick when you make your application for parenting time or decision-making responsibility. This means that your child's home must be in New Brunswick.

Or

- Your child is not habitually resident in New Brunswick, but
 - (a) is physically present in New Brunswick, **and**
 - (b) has a "real and substantial" connection to New Brunswick, **and**
 - (c) substantial evidence about the child's best interests is available in New Brunswick.

For a definition of habitually resident, see the Glossary on page 47.

2.4.3 Other Considerations

The court cannot hear your application if there is already a similar application in the province where the child is "habitually resident." If there is a court order from somewhere other than New Brunswick, someone can ask a court in New Brunswick to accept that order. If parents don't agree about where the child is "habitually resident," the court will need to consider how appropriate it is for the application to go ahead in New Brunswick.

7. *Judicature Act*, RSNB 1973, c J-2 s.11.2(1).

8. *Interjurisdictional Support Orders Act*, SNB 2020, c.24, s.7.

9. See section 28(1) of the *Family Law Act*.

2.4.4 Judicial Districts

There are several Judicial Districts within New Brunswick. For family matters, some of them use different Rules of Court than others. **This Guide is for applications made in the Judicial Districts of Bathurst, Campbellton, Edmundston, Fredericton, Miramichi, and Woodstock.** This is because the Judicial Districts of Saint John and Moncton use a different Rule of Court called Rule 81, and use different court forms.

You must file your application in the judicial district where you live or where the child lives. If you and the child live in different judicial districts, then you should file where the child lives.⁷

To see which Judicial District you're in, see Section 15 of this guide which lists the counties in each Judicial District.

2.4.5 If the Other Parent Does Not Live in New Brunswick

You may file an application in your local court to ask for a final decision about parenting time or decision-making responsibility as long as the rules above apply to you, even if the other parent does not live in New Brunswick. However if the other parent does not respond to the application you filed here in New Brunswick, the court may be unable to make order for child or spousal support.

However, there is an alternate process available to make an application for child support or spousal support when the other parent lives outside New Brunswick, called the **Interjurisdictional Support Orders (ISO) process**.⁸ The ISO process cannot address parenting time or decision-making responsibility. Read the instructions carefully, because the process is different depending on whether you and the other parent have been divorced.

If you file in New Brunswick and the other parent lives in Quebec or in certain other countries that do not participate in the ISO process, your local court may only make a Provisional Order about child or spousal support. You must then send the Provisional Support Order to a court in the place where the other parent lives. The Support Order does not take effect until the court there makes a decision. The other parent can provide information and then the court there will either agree with the Provisional Order or change it. This process is time-consuming.

2.4.6 Potential Complications

If you make an application for a decision-making order under the *Family Law Act* and you are currently married, the other parent may file for divorce. A divorce petition will override your application, even if it starts later.⁹ You may then have to respond in the place where the other parent files the petition.

It may also complicate matters if you plan to move away from New Brunswick either during the application or after it.

You should see a lawyer to find out about these potential complications.

2.5 Best Interests of the Child

Courts make Parenting Orders based on what is best for the child, not what is best for the parent. The judge only looks at what is in “the best interests of the child.” The *Family Law Act* lists some of the circumstances that the judge considers, and those factors are included in the glossary at the end of this guide.

It is up to the judge to look at all the circumstances and decide what is best for the child. You have to prove that it is in the child’s best interests for you to have parenting time or decision-making responsibility. This depends on the specific circumstances of your case, the definitions under the *Family Law Act*, and previous case law.

For more information about the “best interests of the child,” see the Glossary on page 45.

You can find the court office addresses in Section 15 on page 43.

3. What you Should Know about Preparing Documents

3.1 The Forms

You can get many of the forms and documents that you will need for a family law proceedings, such as Forms [72J](#), [73A](#) or [73AA](#), and [37A](#), from the [New Brunswick Attorney General's](#) website. Some forms may be available at court offices for a small fee. You can also go to any Service New Brunswick location and ask them to print you the forms you need, again for a small fee. See the examples of completed forms at the back of this guide. When you complete the forms, fill in information that is accurate for your situation.¹⁰ You must use the forms as they appear in bilingual format, but only fill in the forms in one language, English or French.¹¹ It is a good idea to photocopy the blank forms before you start in case you make a mistake.

3.2 Careful Preparation

Court documents must be prepared carefully and lawyers are trained to do this. However, you can prepare them yourself. Pay careful attention to detail and make sure everything is accurate. Take time to look at the examples before you start. If you prepare your own documents you should still consider getting a lawyer to look over them. This may help make sure that everything goes smoothly. You may be able to do this at a legal advice clinic if one is available in your community.

Tips for Preparing Your Documents¹²

- When completing printed copies of the forms, you can fill them in by hand if your **handwriting is neat and legible**. Do not write in cursive. The court may return any documents that are not easy to read.
- At the beginning of every document, you must put:¹³
 - the court file number (once you have one),
 - the name and division of the court: In the Court of King's Bench of New Brunswick, Family Division,
 - the Judicial District where the case will be decided,
 - the name of the person making the first application to the court (called the Applicant) and, under that, the name of the person who will receive the application (called the Respondent),
 - the name of the document and the form number if there is one,¹⁴
 - the date of the document.
- You must **sign each document**. Make sure you type or **print your full name clearly underneath the signature**.

Questions

If you have general questions about court procedures, you can contact PLEIS NB's Family Law Information Line at 1-888-236-2444, or the court administrator at the Family Division office in your Judicial District. Neither PLEIS NB nor the court administrator can give you legal advice. If you have a question that requires legal advice, you may need to contact a lawyer.

10. Rule 4.08(1) of the *Rules of Court*.

11. Rule 4.08(3) of the *Rules of Court*.

12. Rule 4.01 of the *Rules of Court*.

13. Rule 4.02 of the *Rules of Court*.

14. Rule 4.08(2) of the *Rules of Court*.

Make sure that you fill out the forms completely. Remember the court will not be less demanding just because you are making your own application. Always make a copy of any documents for your own records.

3.3 Preparing Affidavits

3.3.1 What is an Affidavit?

An Affidavit is a signed written statement that you swear or affirm is truthful. Making an Affidavit is like being a witness in court. There is no Affidavit form for the process in this guide. It is a statement that you must prepare yourself. It is important that you make sure that everything you say in your Affidavit is true. Making a false statement is a criminal offence.¹⁵

15. See section 131 of the *Criminal Code of Canada*.

3.3.2 How to Write an Affidavit¹⁶

Write an Affidavit in the first person, as if you are speaking to someone. Number the paragraphs and try to put only one idea in each paragraph. The Affidavit must be clear and concise. When it is ready you must take it to a Commissioner of Oaths. See Section 3.5 on “Swearing or Affirming the Documents”.

16. Rule 4.05 of the *Rules of Court*.

3.3.3 What Do I Put in an Affidavit?

In your Affidavit you must briefly write the details of any facts that relate to your application. It should include relevant facts about which you have personal knowledge. Information is relevant if it helps to show a fact that you want to prove. Personal knowledge means that you saw events yourself. It is not information that someone else told you, unless it was the other parent. If you need to include other information, ask a person who has personal knowledge about it to prepare an Affidavit. It is important to include appropriate information because mistakes can have serious consequences. Affidavits provide evidence and information to the court to help the judge make a decision. The kind of information that is relevant to include in an affidavit will differ for different kinds of applications.

There is an example of an Affidavit on page 77.

You should consider getting a lawyer either to write your Affidavit or to go over it.

3.3.4 Two Particular Kinds of Affidavits

In addition to the above rules about Affidavits, there are special rules when making an Affidavit for an Application or for a Motion.

■ Content of an Affidavit for an Application¹⁷

In an Affidavit for an Application you must normally only include relevant facts about which you have personal knowledge. However, you may include information and belief about a fact if you and the other parent agree on that fact or if the fact is not controversial. Clearly say when you are stating a belief and not personal knowledge. You must also clearly explain how you got this information and why you believe it.

17. Rule 39.01(5) of the *Rules of Court*.

■ Content of an Affidavit for a Motion¹⁸

In an Affidavit for a Motion you can also include beliefs that you have and information about which you do not have personal knowledge. Clearly explain when you are stating a belief and not personal knowledge. You must also clearly state how you got this information and why you believe it.

18. Rule 39.01(4) of the *Rules of Court*.

For example: Someone tells you that they saw the other parent with airplane tickets to Toronto for an adult and a child. This information leads you to believe that the other parent is planning to take the child out of the province against a Parenting Order. You can include this information in your Affidavit for a Motion, but not for an Application if you and the other parent do not already agree about it.

19. "Forms", Volume 2 of the *Rules of Court*.

*For more information on the Child Support Guidelines, see Section 5.1.2, on page 17 of this guide.

20. See section 131 of the *Criminal Code of Canada*.

21. Rule 4.05(11) of the *Rules of Court*.

22. Rule 4.05(10) of the *Rules of Court*.

3.4 The Financial Statement (Form 72J)¹⁹

See "[Financial Statements and Income Information](#)" for assistance on filling out Form 72J. Call PLEIS NB's Family Law Information Line (1-888-236-2444) or visit www.familylawnb.ca to get a copy.

3.4.1 When Do I Fill Out a Financial Statement?

The Court of King's Bench requires you to file a [Financial Statement \(form 72J\)](#) if you are filing an Application or Motion for parenting or support. You are also required to file one if you are responding to an Application or Motion for parenting or support.

For the kinds of proceedings outlined in this guide, **you must always include a Financial Statement (Form 72J) with your court documents.**

3.4.2 An Important Form

The [Financial Statement \(Form 72J\)](#) is very important. Take your time and read the form carefully. Be sure to include everything so the statement shows your situation accurately. **It is important that you make sure that everything in your Financial Statement is true. Making a false statement is a criminal offence.**²⁰ Consider hiring a lawyer to review your Financial Statement if you can.

3.4.3 An Overview of the Financial Statement

The first page of the Financial Statement is a summary. The rest of the Financial Statement consists of seven appendices. Each appendix helps you calculate the totals that go in the boxes on the first page. When your Financial Statement is ready, you must **swear or Affirm it before a Commissioner of Oaths.**

3.5 Swearing or Affirming the Documents

3.5.1 Go to a Commissioner of Oaths

After completing an Affidavit or a Financial Statement, but before signing them, you must take them to a person who is a Commissioner of Oaths.²¹ All lawyers are Commissioners of Oaths. Lawyers may charge a fee for this service. You can call ahead to find out how much it costs. A Commissioner of Oaths will not review your document or give you advice.

3.5.2 Swear or Affirm the Information is True

There may be a Commissioner of Oaths available for no charge at the court office where you will file your documents. You can call ahead to see if they offer this service.

Take your documents (Affidavits and Financial Statements) to the Commissioner of Oaths where you must sign them and swear or affirm that the information in them is true, to the best of your knowledge. **Swearing** an oath means swearing on a religious item or text, and **affirming** means making a non-religious promise that the information is true. Your document should not have any mistakes. If you have erased or corrected anything, the Commissioner of Oaths must initial the changes.²² The Commissioner of Oaths signs the document after watching you sign them.

4. Preparing an Application for Parenting Time or Decision-Making Responsibility

CHECKLIST OF STEPS

Steps to Take	See Section No.
→ Consider your options.	2
→ Gather information and forms.	3.1
→ Prepare your documents.	3 and 4
→ Decide if you need to make a motion and if so, prepare the documents.	7
→ Swear or affirm your documents.	3.5
→ File your documents at the court office.	6
→ Serve the documents on the other parent.	8
→ File the Trial Record if necessary.	9
→ Decide what you must prove to the court and how you will do it.	11
→ Prepare for the court hearing.	11
→ Attend the court hearing.	12

4.1 What Documents Do I Need to Prepare for an Application for Parenting Time or Decision-Making Responsibility?

To make an application for parenting time or decision-making responsibility you need to prepare the following documents for the court:

- A Notice of Application²³ (Form [73A](#) or [73AA](#) - refer to section 4.2.3 to know the difference),
- An Affidavit,
- A [Financial Statement](#)²⁴ (Form [72J](#)).

See Section 3 for information on preparing documents. Section 3.1 tells you where to get the forms. Section 3.2 gives you general information on how to prepare documents.

You may also want to include a **Notice of Motion** with your Notice of Application - for example if you want an Interim Order to decide where the children will live in the meantime while you wait for the Application to be decided at a trial. You can file a Notice of Motion with your Notice of Application.

For information about making a Motion, see section 7.

4.2 The Notice of Application

4.2.1 What is It?

The Notice of Application is the document that starts the legal process. It tells the court what you are requesting. For example, it tells the court if you are requesting an order for sole decision-making responsibility. You also set out the relevant information about existing agreements or previous court proceedings about your family. You also list the documents that you are including with the Notice of Application.

23. "Forms", Volume 2 of the Rules of Court.

24. "Forms", Volume 2 of the Rules of Court.

25. Rule 16.06(2) of the *Rules of Court*.

There is an example of a Notice of Application (Form 73AA) on page 59 and an example of a Notice of Application (Form 73A) on page 64.

26. Rule 73.03(1) and Form 73A of the *Rules of Court*.

27. Rule 73.17.1(1) and Form 73AA of the *Rules of Court*.

There is an example of an Affidavit on page 77.

4.2.2 Terminology

If you are making the application, you are the “Applicant”. The other parent is the “Respondent”.²⁵ The Notice of Application form uses the word “you” to refer to the Respondent. It is as if the court is writing directly to the other parent to tell them about the application.

4.2.3 Two Forms

There are two Notice of Application forms used for parenting applications - **Form 73A** and **Form 73AA**. Before you start you must find out which form you need.

Usually, if you are requesting an order for child support **only**, use **Form 73A**²⁶.

If your application includes a request for a **Parenting Order**, use **Form 73AA**²⁷.

Note : There is another form for family court applications, Form 81A, which is used only in the judicial districts of Saint John and Moncton. This guide does not provide information about Form 81A. For more information see section 1.1.1 on page 4.

4.3 The Affidavit

You must prepare an Affidavit to go with the Notice of Application. Read Section 3.3 on “Preparing Affidavits”.

What to include in your Affidavit:

- the full names of you and the other parent.
- where you, the other parent, and your children lived when you were together and where everyone is living now.
- the nature and length of your relationship, such as whether you lived together, the date you began living together, whether you were married and the date that you stopped living together.
- the date you and the other parent separated.
- the full names, dates of birth, and ages of your children.
- the reasons that it is in the children’s best interests:
 - to remain in your care, if they are now in your care.
- or**
- to be in your care, if they are not in your care now.
- or**
- for you to have parenting time.

4.4 The Financial Statement

You must fill out a **Financial Statement** to go with your Notice of Application. For instructions see Section 3.4 and PLEIS NB’s guide to the Financial Statement and Income Information.

5. Adding an Application for Child or Spousal Support

If you also need an order for child support or spousal support, you can add this request to the same Notice of Application you prepare for a Parenting Order.

There are examples of Notices of Application on pages 59 and 64.

5.0.1 Applying for Support

There are a number of ways to apply for child and spousal support. Often spouses or parents agree on the amount of child support or spousal support. That amount can be written down in an agreement. You can also hire someone to help you come to an agreement, like a mediator. A legal agreement must:

- be in writing
- be signed by both parties
- be witnessed
- clearly say who will be paid
- say how much will be paid
- say when and how payments will be made²⁸

You can file a copy of an agreement for child or spousal support with the court. Then the [Office of Support Enforcement](#) will enforce the support payments same as a court order. If spouses or partners cannot agree, they must apply to the court and a judge decides.

28. Section 6(1) of the [Family Law Act's General Regulation](#).

5.1 Child Support

5.1.1 Eligibility

The law says that **every parent** must provide financial support according to each parent's income²⁹. It does not matter if the parents are married or not. The parent with the majority of parenting time usually receives the child support payments. The purpose of these payments is to cover the costs of raising the child, such as housing, clothing and food expenses.

29. See section 10 of the [Family Law Act](#).

5.1.2 The Guidelines

The [Federal Child Support Guidelines](#) provide tables that set out the amount of child support for divorce cases. New Brunswick has adopted these guidelines for Child Support Orders under the *Family Law Act*, which applies to common law couples or married spouses who have not yet divorced.³⁰ The guidelines and tables will help you figure out what amount of child support you may receive. The amount is based on the support payer's annual income, province of residence and the number of children entitled to support. The amount may be different from the table amount depending on circumstances, including special expenses or undue hardship. The tables do not bind parents who negotiate an agreement. If the parent paying support lives in another province, a lawyer can tell you which tables apply.

30. See section 3 of the [Family Law Act's Child Support Guidelines Regulation](#).

You can learn more about the Child Support Guidelines here: [Child Support Guidelines Step-by-Step](#).

You can calculate the table amount of child support here: [Child Support Table Look-up](#).

See the Glossary at the end of this guide for more information about special expenses and undue hardship.

31. Definition of “child”, from sections 1, 9, and 32 of the *Family Law Act*.

32. Definition of “parent”, from section 1 of the *Family Law Act*.

33. See section 10 of the *Family Law Act*.

34. Rules 73.11 and 73.17.1(8) of the *Rules of Court*.

5.1.3 What to Include in the Affidavit When Requesting Child Support

Put the information about your request for support on the same Affidavit that you prepare for your parenting application. See Section 3.3 on “Preparing Affidavits”.

- **First**, you have to show that the children
 - live with you and depend on you for support; and
 - are under nineteen years of age³¹ or for some other reason require support. You cannot include a child who has been married.
- **Second**, you have to show that each child is either
 - a natural or adopted child of you and the other parent; or
 - a stepchild treated by your former partner as their own child.³²
- **Third**, you have to show that the other parent can pay support.³³ Explain what the other parent did for a living when you were together and what they do now. State what their earnings were when you were living together or when your child was born. Also say what they are likely to be now. The other parent will have to file a Financial Statement and other income information with the court showing their current income.³⁴ You should receive a copy of the other parent’s Financial Statement and income information.

5.1.4 Arrears and Retroactive child support

The responsibility to pay child support starts at the point when parents separate, whether or not there is a formal arrangement or court order.

However, sometimes the parent responsible for paying child support chooses not to make payments. When this happens, the parent who should be receiving payments has options. If this is your situation, you can ask the court to order the paying parent to pay some or all of the outstanding money.

There are two different procedures you can use to ask the court for outstanding child support money, depending on the circumstances. Those circumstances are:

There is no current arrangement or court order, and the paying parent hasn’t been making support payments.

If you are preparing an application with a request for child support, and the other parent hasn’t been making child support payments, you may be able to request that the court make a **retroactive** child support order. This means calculating the amount of child support that has gone unpaid and adding it to the order as a debt. This debt is owed to the parent receiving child support payments. A court will look at all the facts involved to decide if a retroactive order is fair and appropriate in your case. Usually, a court will only look back a few years to calculate retroactive payments.

There is an existing court order, and the paying parent hasn't been making full payment.

If you are preparing a motion to change or enforce an existing order or agreement for child support, and the other parent hasn't been making their full payments, you may be able to ask that the court calculate **arrears** for the paying parent. This means asking the court to calculate how much of the court-ordered child support has gone unpaid. The order then includes that amount as a debt owed to the parent receiving child support payments. If the existing order is being enforced through the Office of Support Enforcement, then usually that office will take steps to enforce and calculate arrears without you needing to apply to the court yourself.

5.2 Spousal Support

5.2.1 Eligibility

Every person has an obligation to provide financial support for their spouse according to their need, to the extent that they can.³⁵ Spousal support is usually a temporary measure. In most cases the spouse receiving support is expected to become self-sufficient. Sometimes people who are not married but have been living together as a common law couple are entitled to support. If you ask the court to make an order for spousal support, you must show that you need it. You will also have to show that your spouse can pay some support.

35. See section 14(1) of the *Family Law Act*.

5.2.2 What to Include in the Affidavit When Requesting Spousal Support

Use the same Affidavit that you prepare for your parenting application. Add the information showing that your circumstances make you eligible for support. See Section 3.3 on "Preparing Affidavits".

- **First**, you have to show the court that you were
 - legally married to your partner; or
 - living in a family relationship with your partner for at least three years and were substantially dependent upon your partner for support; or
 - living together with your partner for less than three years, and had a child together.
- **Second**, you have to show the court why you need spousal support. For example, if you have genuine health problems that make it difficult for you to get a job, you can include this in the Affidavit. You must be careful to make your statements accurate and relevant. Since it is important to write an Affidavit properly, you may want to see a lawyer for this step.

Section 18(1) of the *Family Law Act* sets out some of the circumstances that the court will consider when making a Spousal Support Order, including:³⁶

- your capacity to provide for your own needs,
- the capacity of the Respondent to provide support,
- both parties' ages, physical, and mental health conditions,

36. See section 18(1) of the *Family Law Act*.

Spousal support is usually a temporary measure.

Make your statements accurate and relevant.

- whether you have a physical or mental disability that affects your ability to provide for yourself,
- the length of the time you and the Respondent lived together,
- your options to become financially independent and how quickly you can do so,
- your contributions to the Respondent's career potential
- your contributions to the household including housekeeping, child care, and other domestic services.

Justice Canada has released a set of guidelines entitled the [Spousal Support Advisory Guidelines \(SSAG\)](#). They include formulas for estimating spousal support – the formulas take into account different factors, including whether there are children of the marriage, both parents' income, the length of the relationship, etc. There are no "tables" for you to use to calculate spousal support. The SSAG are only used in an advisory capacity. This means that unlike the Child Support Guidelines, they are not mandatory. You should consult a lawyer to find out whether you might be entitled to spousal support and to estimate the amount of support.

6. Filing your Documents at the Court Office

6.0.1 The Court Office

You must deliver all the completed documents including the signed copy you are going to serve on the other parent and the filing fee for the court office.³⁷ The staff at the court office will file your application. The list in Section 15 shows you which court office to use, depending on the county where the child lives.

There is also a filing fee of \$75 to file a Notice of Application in Family Court. You must include payment with your documents. If you file by mail, you can include the fee as a certified cheque or a money order. If you drop off your documents in person, you can pay by:

- Certified cheque
- Money Order
- Debit card
- Credit card
- Cash

Note: You do not have to pay the filing fee if you are represented by a lawyer from Legal Aid, or if you receive social assistance under the *Family Income Security Act* of New Brunswick.³⁸

6.0.2 What to Include

Make three copies of each document. Put the original documents together with a paper clip. Do the same with each set of copies. You should now have 4 sets of the documents – three copies and the original. Deliver them all to the court office. The court will keep the original.

6.1 Delivering the Documents

You can deliver the documents and the filing fee to the court in two ways:³⁹

■ Delivery in Person

Take the documents to the court office in the Judicial District where you are making your application.

■ Delivery by Mail

Send all the documents by pre-paid mail or courier. Address the package to the court administrator of the Family Division in the Judicial District where you are making your application. You should include a cover letter. Also include a self-addressed envelope so the office can return your copy.

37. Rule 73.03(3) of the *Rules of Court*.

The addresses for the Family Division court offices are in Section 15 on page 43.

38. Rule 73.20 of the *Rules of Court*.

39. Rule 73.03(3) and 73.17.1(4) of the *Rules of Court*.

There is an example of a cover letter on page 55.

6.2 The Procedure

After you deliver the documents, the procedure from this point depends on whether you used **Form 73A** (go to Section 6.2.1), or **Form 73AA** (go to Section 6.2.2).

You may need a temporary order while you wait for your final court hearing. For example, an order deciding where the children will live in the meantime. This is called an interim order. If you need an interim order, you must file a motion. You can find information about filing motions in section 7.

6.2.1 Form 73A

When the documents get to the court office, the staff will⁴⁰

- give your case a **court file number**, and put it on all the copies. This number must appear on all court documents after this.
- give you a **court date** for your application. The staff will write the court date on the first page of the Notice of Application. The court date is often several months after you deliver your application to the court.
- keep the original Notice of Application.
- return two copies to you with the court file number, court stamp, and court date added.

Once you get your Notice of Application back from the court, **you must serve a copy on the Respondent at least 25 days before the court date.**⁴¹ See section 8 for more details on service.

6.2.2 Form 73AA

When you deliver the documents, the staff will⁴²

- give your case a **court file number**, and put it on all the copies. This number must appear on all court documents after this.
- keep one copy.
- return the original and remaining copies to you.

You will not receive a court date at this point. The next step is to serve a copy of the documents on the other parent.⁴³ See Section 8 on “Serving Documents”. You should have someone do this immediately, at the latest within six months of filing the application.⁴⁴ The Respondent will then have 20 days to respond, or longer if they live outside New Brunswick. After the 20-day time limit to respond has gone by, you can file a Trial Record when you are ready to go to court.⁴⁵ See Section 9 on “Filing the Trial Record”. When you file your Trial Record, the court staff will give you a court date. The court date is often several months after you file your Trial Record.

40. Rule 73.04(1) of the Rules of Court.

41. Rule 73.05 of the Rules of Court.

42. Rule 73.17.1(5) of the Rules of Court.

43. Rule 73.17.1(6) of the Rules of Court.

44. Rule 73.17.1(6) of the Rules of Court.

45. Rule 73.17.1(10) of the Rules of Court.

7. Motions

7.0.1 What is a Motion?⁴⁶

Sometimes a person needs to ask the court to decide on a certain matter before, during, or after the court hearing. For example, you may need an Interim Order which decides what the parenting arrangements will be while you wait for a trial and a Final Order. This procedure is called making a motion. This section explains how to make a motion.

46. Rule 37 of the *Rules of Court*.

7.0.2 Note

You can make a motion if it is related to an ongoing matter before the court. You have an ongoing matter before the court once a parent files a Notice of Application. See Section 4 for information on “Preparing an Application for Parenting Time or Decision-Making Responsibility.”

Sometimes it is necessary to ask the court for an Interim Order which decides some issues temporarily, before there is a Final Order in place. For example, parties often request an Interim Order for parenting since children must live according to some kind of arrangement even if there is no Final Order in place yet. It is common for Applicants to file a Notice of Motion requesting an Interim Order along with their Notice of Application for this reason.

Remember that making a motion does not necessarily mean that the judge will agree to your request. It is always up to the judge to decide. Sometimes you have to wait until the regular proceedings take place before you have a court order. You can make a motion if it is related to an ongoing matter before the court.

7.1 Making a Motion Before the Final Court Order

Sometimes you may need to make a motion asking the court to take steps before the court hears the matter and makes a final decision. For example, a parent applying for a Parenting Order may want to make a motion for interim primary decision-making responsibility and parenting time if the other parent has threatened to harm or abduct the child. In this case you can ask the judge to make an Interim Order allowing the child to remain in your care temporarily.⁴⁷ An Interim Order is a court order which is only temporary. It usually lasts until there is a Final Order, which usually comes after a trial. You can make this type of motion when you file the parenting application or any time before the final court order.

47. Rule 73.15 of the *Rules of Court*.

7.2 Making a Motion After the Final Court Order

Sometimes you may need to make a motion after the final court order. For example, you may need to ask for a change (a variation) in the court order if there is a significant change in circumstances. This is usually called a Motion to Change. See Section 13.3 on “Changing a Court Order”. Or you may need to make a motion to enforce a court order. See Section 13.2 on “Enforcing a Court Order”.

For general information on preparing your documents see Section 3, on page 12.

There is an example of a Notice of Motion (form 37A) on page 69.

There is an example of a Notice of Motion (Form 72U) on page 72.

Read carefully Section 3.3 on "Preparing Affidavits" on page 13.

48. Rule 39.01(2) of the Rules of Court.

7.3 Preparing the Documents

To make a motion you need to prepare at least four documents:

- Notice of Motion ([Form 37A](#) or [Form 72U](#))
- Affidavit
- [Financial Statement \(Form 72J\)](#)
- Affidavit of Service (Form 18B), if you have someone other than a Sheriff serve the other parent.

7.3.1 The Notice of Motion

In a Notice of Motion you tell the court what order you are requesting. You also refer to the legislation you are using and list the documents, such as Affidavits and Financial Statements, that you are including.

Use [form 72U](#) if:

- you are requesting an Interim Parenting Order that includes a request for child support.
or
- you already have an order for child support and you are applying to change (vary) it.

Use [form 37A](#) for all other motions. For example if you are requesting an Interim Parenting Order for decision-making responsibility and parenting time only, without a request for interim child support.

7.3.2 The Affidavit

You must prepare a detailed Affidavit to go with the Notice of Motion.⁴⁸ Make sure you explain the facts clearly, accurately and in detail in your Affidavit so that everything is there that the judge needs to know. You can find more information on Affidavits in Sections 3.3 and 4.3.

If You Want to Enforce a Court Order

In the Affidavit be sure to include:

- the date of the court order
- what the order says
- each time the order was breached, and
- the date and the manner in which the order was breached.

If You Want to Change a Court Order

In the Affidavit be sure to include:

- the date of the court order,
- what the court order says,
- how the circumstances have changed, and
- the reasons why the court should change the order.

7.3.3 A Financial Statement and Other Documents

You must include a completed [Financial Statement \(Form 72J\)](#) with all court proceedings involving minor children. See Section 3.4 for more information on the Financial Statement.

7.4 Filing the Documents

Once you prepare the Notice of Motion, deliver it with the other documents to the court office. Normally you use the court office where the Notice of Application was filed.⁴⁹ See Section 6 on “Filing your documents at the court office”. The court will schedule a date for the hearing and write it on the first page of the Notice of Motion. You will receive a copy.

49. Rule 37.02 of the *Rules of Court*.

7.5 Serving a Copy of the Documents

7.5.1 The Procedure

Once you have a date for the hearing you must get someone to deliver a copy of the documents to the other parent. This is called serving the other parent. If the other parent has hired a lawyer and the lawyer signed the Notice of Application, you only need to deliver the documents to their lawyer. See Section 8 on “Serving Documents”.

If you are making a Motion with Form 37A, you must arrange to have the documents served at least 10 days before the court date.⁵⁰

50. Rule 37.04(2) of the *Rules of Court*.

If you are making a Motion with Form 72U, **the Notice of Motion must be served 25 days before the hearing.**

If it is impossible to serve the person in time, there may be negative consequences.

Take or send the Affidavit of Service or the Sheriff's Certificate (see Section 8.2) to the court office **at least 5 days before the date of the court hearing.** This helps to avoid a delay.

7.5.2 A Motion without Notifying the Other Parent⁵¹

In some urgent cases, it is possible to get the court to hear a motion without notifying the other parent. For example, it may be appropriate if you have a good reason to believe that the other parent will abduct the child before the hearing on the motion. This type of procedure is rare and you should consult a lawyer if you think it is necessary for your case.

51. Rule 37.04(2) of the *Rules of Court*.

7.6 Filing a Record on Motion⁵²

The Record on Motion is a package of all the documents that have already been filed with the court for the Motion. You must file the Record on Motion before your court hearing.

To file the Record on Motion, you must wait until:

- you receive a Responding Affidavit from the other parent, which is an Affidavit that tells the court how the other parent disagrees with the Motion, and the other parent's Financial Statement (Form 72J) and income information, or
- you receive the other parent's Financial Statement (Form 72J) and income information, and 20 days have passed since the other parent has received your documents, or

52. Rule 37.05 of the *Rules of Court*.

- 20 days have passed since the other parent received the Motion documents, and they haven't responded.

File the Record on Motion by taking or sending it to the court office where you filed the Notice of Motion. Make sure it arrives at least 48 hours before the date of the hearing. Do not include Saturdays, Sundays or legal holidays in counting the 48 hours.

7.6.1 What to Include in the Record on Motion

- a **cover page** called a Record on Motion.
- an **Index**, which lists all the documents in the record. It is like a table of contents. You number the pages and show the page numbers in the Index.
- a copy of the **Notice of Motion**.
- a **copy of the Affidavits** for the motion, for both sides, and any other materials to be used for the hearing.
- a **copy of all financial statements and income information** filed by both parties.

Put the document together with a paper clip in the order that the index shows. Then file the record at the court office.

7.7 Responding to a Notice of Motion

If you receive a Notice of Motion, you should immediately see a lawyer. See Section 2.1 on "Other Options". If you cannot get a lawyer, then you can take the following steps.

Steps to Respond to a Notice of Motion

- Prepare a **Responding Affidavit**. See Section 3.3 on "Preparing Affidavits" and section 10.2.1 for information about the Responding Affidavit.⁵³
- Prepare a **Financial Statement (Form 72J)**. For instructions see Section 3.4.
- Next, **file** the Responding Affidavit and any other documents at the court office at least 4 business days before the hearing.⁵⁴ See Section 6 on "Filing Your Documents at the Court Office". You must file these documents within 20 days after receiving the notice⁵⁵.
- A copy of the Responding Affidavit must then be served on the other parent. See Section 8 on "Serving Documents".
- If there is going to be a court hearing, **prepare** for it. See Section 11 on "Preparing for the Court Hearing" and Section 12 on "Going to Court".

Note: For some family matters involving children, you may be eligible for legal aid. Contact the New Brunswick Legal Aid Service Commission for more information. Contact information for Legal Aid offices is in Section 15, page 43.

There is an example of a cover page on page 79.

There is an example of an index on page 80.

See Section 6 on "Filing Your Documents at the Court Office" on page 21.

53. Rule 73.02.1 of the *Rules of Court*.

54. Rule 39.04 of the *Rules of Court*.

55. Rule 72.22.1(6) of the *Rules of Court*.

7.8 Attend the Court Hearing

There is usually a court hearing scheduled for a motion. To find out the date and time of the hearing, you can check the front of your motion documents. The court usually writes the date and time on the front of the Notice of Motion when they return your copy to you. If not, you can contact the clerk's office where you filed the Notice of Motion and ask about the hearing date.

At the hearing, the judge decides after listening to you, the other parent, and any other witnesses. For more information, go to Section 12 "Going to Court".

56. Rule 18 of the *Rules of Court*.

It is important to prove that the other parent has been served.

57. Rule 18.02(1)(a) of the *Rules of Court*.

58. Rules 18.03(3) to (5) of the *Rules of Court*.

There is an example of an Acknowledgement of Receipt Card on page 58.

8. Serving Documents⁵⁶

8.0.1 What is Service?

Normally for the court to hear your case you must inform the other parent about the application or motion. You do this by making sure that the other parent receives a copy of the documents. This is called serving the documents. It is important to prove that the other parent has been served. Otherwise, the court will not go ahead with the case. There are several ways to serve documents.

8.1 Methods of Service

8.1.1 Personal Service⁵⁷

With this method of service, someone (the server) hand-delivers the documents. The person who serves the documents must be able to identify the other parent. For example, the person who is the server may know the other parent or have a picture, or they can ask the other parent for identification. Once the server identifies the other parent, the server usually tells the other parent their name and explains what the documents are. Then the server leaves the documents with the other parent. The server can leave the documents even if the other parent refuses to take them.

To arrange personal service you can

- hire someone from a **private company**. Check the **yellow pages** for “Process Servers.”
- arrange for the Sheriff’s office to serve the documents for a \$75 fee.
- get a **friend or relative** 19 years or older to serve the other parent.

The Sheriff’s Office will provide a Certificate of Service By Sheriff (Form 18C) if you hire them to arrange service. Otherwise, the server will have to swear service using an **Affidavit of Service (Form 18B)**, see the example on page 56.

8.1.2 Service by Registered Mail or Courier⁵⁸

The person serving the documents can use the registered mail service at the post office. This is not the same as regular mail - the person receiving the mail must sign for the package of documents so you can prove they received them. Include an **Acknowledgement of Receipt Card (Form 18A)** for the other parent to sign and return back to you. The person serving the documents could even put a self-addressed stamped envelope in the package for the other parent to use. There can be problems with this type of service if someone other than the intended person signs the receipt card. In this case it may be necessary to serve the documents again or to serve the documents personally. Write “Personal and Confidential” on the envelope so that no one other than the intended recipient will sign for it.

If the other person does not send the Acknowledgement of Receipt Card back to you, Canada Post should be able to supply you with the information needed to show that they did accept service. When you use the Registered Mail service at Canada Post, they provide confirmation that Canada Post received the item for mailing and that the item arrived at its destination. You can find the name of the person who signed for the package and the date of delivery by calling 1-866-607-6301, though some restrictions may apply. You can view the signature online at: www.canadapost.ca. It is also possible to get a hard copy of the signature from Canada Post, if it becomes necessary, for a fee.

With other courier services, you need to use the [Acknowledgement of Receipt Card](#). Some of these services have signature release agreements where the courier can leave the package without getting a signature.

8.1.3 Service at Place of Residence⁵⁹

If the server has tried but could not serve the other parent personally, they can put the documents in a sealed envelope addressed to the other parent. Then, they can leave it with any person who appears to be an adult occupant of the place where the other parent lives. The same or next day the server must send copies of the documents addressed to the other parent by prepaid mail. Since it is important for parents to know about a parenting application, the judge may not accept this kind of service if the other parent does not show up for court.

8.1.4 Service on a Lawyer

If one of the people involved has hired a lawyer for this case or has authorized a lawyer to accept service, that person can be served by leaving a copy of the documents with the lawyer.⁶⁰ However, the server must make sure that the lawyer accepts the service by signing the copy and putting the date on it.

8.2 Proof of Service

If you hire the Sheriff's office to serve the other parent, they will prepare a Certificate of Service by Sheriff (Form 18C). They will give you this certificate.

With every other method of service, except service on a lawyer, the server must complete an [Affidavit of Service \(Form 18B\)](#).⁶¹ If a friend is serving the documents for you, you can prepare it and leave the dates blank for your friend to fill in. The server must sign the Affidavit in front of a Commissioner of Oaths. See Section 3.5 on "Swearing or Affirming the Documents".

Take or send the Affidavit of Service or Sheriff's Certificate to the court office at least 5 days before the date of the court hearing.

59. Rule 18.03(6) of the *Rules of Court*.

60. Rule 18.03(2) of the *Rules of Court*.

There are examples of Affidavits of Service on pages 56 and 57.

61. Rule 18.10(1) of the *Rules of Court*.

62. Rule 18.04 of the *Rules of Court*.

63. See section 80 of the *Family Law Act*.

64. *Family Orders and Agreements Enforcement Assistance Act*, RSC, 1985, c 4 (2nd Supp).

8.3 If You Cannot Find the Other Parent⁶²

You can apply to the court for help in finding the other parent's address for a parenting application.⁶³ There may be different options available to you if you are having trouble finding out certain information about the other person, like their address. For example, the federal *Family Orders and Agreements Enforcement Assistance Act*⁶⁴ can allow you to access certain federal databases, like the CRA database. The court must grant you permission to access this information. This may be an option for you if you need to get or change a court order for child support or spousal support but you cannot find the other person.

The above methods will not work if you still cannot find the other parent or if the other parent is avoiding service. You may need to consult a lawyer if you have this problem. The court may make an order for service in a different way if the judge agrees that personal service is impractical. Options might include finding someone via social media, or create a newspaper ad. You must get the court's permission before you serve using any method other than personal service or service by registered mail. You can make a motion asking the court to allow different service. Include an Affidavit containing the facts that explain why you need this kind of service. See Section 7 on "Motions".

9. Filing the Trial Record

This section does not apply to you if you are using Form 73A.

If you are using Form 73AA, you do not have a court date at this point. You must give the other parent time to respond to your Application after you have them served - they usually have 20 days to respond, or longer if they live outside New Brunswick. You must ask for a court date after the time for the other parent to respond has expired.⁶⁵ You should do this within six months after you served the other parent. Either you or the other parent can ask for a court date.⁶⁶ You do this by filing the Trial Record.

What to put in the Trial Record⁶⁷

- a **cover page called the “Trial Record”**. At the top it shows the names of each parent, the Applicant and the Respondent. Then underneath it shows their names, addresses, email addresses if any, and phone numbers. If either person has a lawyer, you put their lawyer's information in the space underneath instead.
- an **Index**, which is like a table of contents. It lists all the documents in the Trial Record. Number the document pages and show the page numbers in the Index.
- a **copy of all the documents** involved in the court application so far. Include all documents prepared by both you and the other parent.
- a **Certificate of Readiness⁶⁸ (Form 47B)**. When you prepare this form, make any necessary changes so the certificate is accurate for your situation. You must estimate how long the court hearing may take. That will depend on factors like the number of witnesses. For a disputed parenting application you probably need a minimum of one day.

See Section 6 on “Filing Your Documents at the Court Office”. The staff will assign a date for the hearing. The court office sends a Notice of Hearing to you and the other parent. This notice tells you when the hearing is. It may be several months before the hearing takes place.

65. Rule 73.17.1(10) of the *Rules of Court*.

66. Rule 73.17.1(10) of the *Rules of Court*.

67. Rules 73.17.1(11) and (12) *Rules of Court*.

There is an example of a cover page on page 81.

There is an example of an Index on page 82.

68. “Forms”, Vol.2 of the *Rules of Court*.

There is an example of a Certificate of Readiness on page 83.

10. Responding to a Notice of Application

Checklist of Steps to Respond to a Notice of Application

Steps to Take	Section No.
→ Read the Notice of Application carefully	
→ Consider your options and decide if you must make your own response.	2.1
→ Prepare your documents.	3 and 10
→ Look at the Notice of Application to see if it is Form 73A or 73AA .	10.3
→ Swear or affirm the Financial Statement and Responding Affidavit.	3.5
→ File your documents	6
→ (for 73AA) Serve your documents	8
→ Prepare for court	11 and 12

10.1 What Does It Mean if I Receive a Notice of Application?

If you receive a Notice of Application it tells you that court proceedings have begun. If possible, see a lawyer immediately. See Section 2.1 on Other Options. However, if this is not possible you can prepare the documents yourself. If you disagree with what the Applicant wants or if you want to ask the court for something else, you must file a Responding Affidavit with the court.⁶⁹ For example, if the Applicant is asking for sole decision-making responsibility, you may want to ask for parenting time with the child. It is important to act quickly because you only have **20 days from the date you were served** with the Notice of Application to file and serve your response.⁷⁰ You may have longer to respond if you live outside New Brunswick. Read the Notice of Application carefully.

10.2 Preparing the Documents

Section 3 “What You Should Know About Preparing Documents” explains how to prepare documents for court.

To respond to a Notice of Application, (Form 73A or Form 73AA) prepare the following documents:

- Responding Affidavit
- [Financial Statement \(Form 72J\)](#)

10.2.1 The Responding Affidavit ⁷¹

A response to Form 73A or Form 73AA is called a **Responding Affidavit**. The Responding Affidavit is not a form; rather it is an affidavit that you must prepare and file with the court if you wish to oppose an Application. In a Responding Affidavit you tell the court why you disagree with what the other parent is requesting (why the court should refuse the Application). If you are asking the court to do anything else that hasn't been raised by the Applicant, also include this. For example, you can tell the court that you want parenting time even if the Applicant hasn't included parenting time as part of their application.

The Responding Affidavit must be formatted a specific way. See example on page 84 for information about how to prepare a Responding Affidavit. You must swear or affirm the Responding Affidavit before a Commissioner of Oaths. See section 3.5 for information about swearing documents.

It is important to act quickly.

69. This is not a form. You must create it yourself.

70. Rules 73.09(1) and Rule 73.17.1(7) of the *Rules of Court*.

See an example of a Responding Affidavit on page 84.

71. Rule 73.02.1 of the *Rules of Court*.

10.2.2 The Financial Statement

You must include a **Financial Statement (Form 72J)** with your Responding Affidavit. Section 3.4 gives instructions on filling out the Financial Statement. **You must file a Financial Statement with the court 20 days after you receive the Notice of Application, even if you are not going to oppose the application.**⁷²

72. Rules 73.11(1)(b) and 73.17.1(8) *Rules of Court*.

10.3 The Procedure

There are two forms of the Notice of Application, Form 73A and Form 73AA. The procedure from this point depends on which form you receive. The form will say on the first page whether it is 73A or 73AA.

10.3.1 Response to Form 73A

If you receive Form 73A, first deliver your Responding Affidavit and Financial Statement to the court office. See Section 6 on “Filing Your Documents at the Court Office”. You have 20 days to deliver your response after you receive the Notice of Application.⁷³ After you file your response, you must serve your responding documents on the Applicant. For information about serving documents, go to section 8.

73. Rule 73.09(1) of the *Rules of Court*.

Note: If you live outside of New Brunswick, you may have more time to respond. Read the Notice of Application carefully.

10.3.2 Response to Form 73AA

If you receive Form 73AA, you must serve your Responding Affidavit and Financial Statement on the Applicant **before you deliver them to the court.**⁷⁴ See Section 8 on “Serving Documents”. Then you must file the documents at the court. See Section 6 on “Filing Your Documents at the Court Office”. Include the Affidavit of Service or Sheriff’s Certificate (see section 8.2). You must file the documents within 20 days after you were served if you live in New Brunswick.⁷⁵ You may still be able to act after the time limit, but it may mean that the court makes decisions without you.

74. Rule 73.17.1(7) of the *Rules of Court*.

75. Rule 73.17.1(7) of the *Rules of Court*.

After filing your documents, you can wait until the Applicant applies for a date for the court hearing, or you can apply yourself. To do this you must file the Trial Record.⁷⁶ See Section 9 on “Filing the Trial Record”.

76. Rule 73.17.(11) of the *Rules of Court*.

10.4 What if I Do not Respond?

If you do not respond to an Application, then the court can make a reasonable conclusion.⁷⁷ This may mean that the court will assume that you are not going to dispute the application. You may not be notified about any further steps in the proceedings. The court could then make an order. Even if you do not file a Responding Affidavit, you can still present your side at the court hearing. However, this could create delay and inconvenience the court.

77. Rule 73.11(4) of the *Rules of Court*.

11. Preparing for the Court Hearing

You may wish to consider retaining the services of a lawyer to represent you at the hearing.

Try to paint a picture of the daily care of your child for the court.

78. Many books deal with this topic. Visit your local law library or bookstore for more information.

Bring witnesses who know about your child's circumstances.

The court wants to know about you and your children, and the reasons why you should have parenting time or decision-making responsibility. The judge does not want a step-by-step account of your past arguments with the other parent. It is important that you do not appear angry, bitter or vindictive. Your job is to present your case as clearly as you can. Then the decision is up to the judge.

11.1 Proving Your Case

11.1.1 Evidence

In court you must provide information to show the judge that what you are saying is true. This information is called evidence. The court has rules about what evidence you can use.⁷⁸ If there is a question about evidence then the judge decides. One basic rule is that you can use information as evidence if it is relevant to something that you are trying to prove. For example, if you are trying to prove that the child is settled with you, then it is relevant to bring school reports as evidence to show the court that the child is settled. Another important rule is that you cannot tell the court information that someone else told you, unless it was the other parent. For example, if your neighbour saw something that you want the court to hear, ask your neighbour to be a witness.

11.1.2 Best Interests of the Child

Think about what you want to tell the court. How can you show the judge that what you are asking for is **in the best interests of the child?** See Section 2.5 on the “**Best Interests of the Child**” and the definition in the glossary on page 45. Be sure to mention all the facts that support your arguments. These facts could include past incidents and the circumstances relating to the care of the child. The court needs to know about your child's life. The court will not consider a parent's past behaviour unless it is relevant to that person's ability to act as a parent.

11.2 Witnesses

11.2.1 The Role of Witnesses

Witnesses provide evidence in person at a court hearing. Anyone who has firsthand information about your case can be a witness. You will be a witness and what you say on the witness stand is evidence for the court to consider. However, it is also important to provide other evidence. For example, you can bring witnesses who know about your child's circumstances. This might include grandparents, teachers, babysitters, and other people who can tell the court about your child's care and needs. This can help the court decide what is in the child's best interests.

11.2.2 Contacting Witnesses

Before the court date you should contact any witnesses who can tell the court information that supports your case. It is up to you to tell them the time and place of the hearing in advance. You should also send the other parent a list of your witnesses before the court hearing.

11.2.3 Summons

If you think a witness might not show up for the hearing, you can require that they come to court with a form called a **Summons to Witness (Form 55A)**.⁷⁹ This can be useful because if your witness does not show up and you have not served a summons then the judge may not give you an adjournment. You can get a **Summons to Witness** form at the court office. It is your responsibility to serve the summons on the witness, along with a \$50 fee for each day of trial you expect your witness to be there. See Section 8 on “Serving Documents”. You may also have to pay for travel (\$0.40/km), plus air fare if applicable, and overnight accommodation (\$75/night) if the witness does not live close to the court.⁸⁰

79. Rule 73.13(1) of the *Rules of Court*.

80. Rule 59.14, Tariff “D”, of the *Rules of Court*.

11.3 Other Evidence

11.3.1 Documents

You need to have certain documents to show the court. These might include birth certificates, a marriage certificate, and the children’s school records such as report cards. If you have a marriage contract or a separation agreement, take them to court. In some circumstances, you may also bring documents such as psychological reports, the children’s medical records, or letters. Always try to get the original documents to show the court. For birth and marriage certificates, get certified copies from the **Vital Statistics** office in the province. You should send copies of the documents to the other parent before the hearing.

11.3.2 Reports

Sometimes a report from a psychological or social evaluation is useful evidence. If you think that you need an evaluation and the other party will not agree, you can make a motion asking the court to order one.⁸¹ You should consult a lawyer for this. There is assistance available to help with the cost of an evaluation called the **Court-Ordered Evaluations Support Program** (C-OESP). You may be eligible for full or partial assistance.

For more information on how to apply, where to find a qualified evaluator, or any other related question, call PLEIS NB’s Family Law Information Line toll free at 1(888)236-2444. Also see the **Court-Ordered Evaluations Support Program** (C-OESP).

81. See section 51 of the *Family Law Act*.

Try to present your arguments logically.

11.4 Organizing Yourself

When preparing for trial it is helpful to think carefully about how you will organize and present your case. Write notes to help you remember what to say first, second and so on. If you are bringing witnesses, think carefully about the order in which you want them to speak. Some people find it helpful to make a checklist of witnesses and of the facts and arguments they want to present, to make sure that nothing is left out.

Hints to Help You Prepare

- **Gather all the documents that concern your case.** Bring a copy of all the court documents and any other documents, such as birth certificates, with you to court. Know what is in the documents and keep them in order. You may find it helpful to keep your documents in a folder with tabs to mark the sections so you can find information easily.
- **Organize your thoughts.** Make a list of what you want to say at the court hearing so you can present your case clearly. Note details like dates to help you remember. Try to bring up events in order so they are easy to follow.
- **Organize the questions** you will ask your witnesses.
- **Practice** what you want to say, but do not memorize it.
- **Be ready** to answer questions from the judge or the other party.

12. Going to Court

12.1 The Courtroom

The judge sits at the front of the courtroom. A Sheriff and a court stenographer also sit at the front. The stenographer records the proceeding. There are two tables in the middle of the courtroom, with chairs in front of them. This is where you will sit or stand, facing the judge. Normally the person making the application sits on the right side. The person responding to it sits on the left side. There are also chairs in the back for members of the public and lawyers there on other matters. Witnesses can normally sit in the public seating area. If you are not sure where to sit, check with the court official.

12.2 Postponing the Court Hearing⁸²

When a judge postpones a court hearing, this is called an **adjournment**.

12.2.1 When You Arrive

A court official may speak to you before you go into court to see if you are ready to proceed. If the other parent is not there, you should tell the court official. The judge may go ahead with the hearing or may postpone (adjourn) the hearing until a later date.

12.2.2 If the Other Parent is Not There

If the other parent has received the Notice of Application and you have filed your Affidavit of Service or the Sheriff's Certificate, you can ask the judge to go ahead in their absence. If the hearing goes ahead, the court order will be enforceable against the other parent even though they were not there. If the other parent has not been properly served, the judge will adjourn the hearing so you can try to notify the other parent.

12.2.3 Common Reasons

Some common reasons for adjournment are:

- Someone needs time to get a lawyer.
- Someone needs time to prepare a document for the court.
- You and the other parent are negotiating a settlement and you need time to do so.
- The judge thinks that you and the other parent may be able to agree on some of the issues with the help of a mediator.⁸³

12.3 The Day of the Hearing

12.3.1 At the Beginning

At the hearing, stand up when the court official calls your name. When the judge asks, tell the judge that you do not have a lawyer and you are acting on your own behalf.

12.3.2 If You Have Agreed

If the other parent is there and you both have agreed on the terms of parenting time or decision-making responsibility, you should tell the judge right away. The judge may make an order based on that agreement. Otherwise, you present your case to the judge.

82. Rule 73.14 of the *Rules of Court*.

If you decide not to go ahead with the proceedings, you should contact the court office before the hearing.

83. See section 8(1) *Family Law Act*.

12.3.3 Presenting Your Case

When witnesses present evidence in court, this is called testimony. You call witnesses to speak (testify). When it is time for the witnesses the judge will ask if you want to call any witnesses. If you want to call a witness you can say *“Now I would like to call Mr. Jones to the stand to testify.”* For yourself, say, *“Now I would like to testify on my own behalf”*. A witness goes to the witness box next to the judge. Then a court official asks the witness to take an oath or affirmation that they are speaking the truth. Lying under oath is a criminal offence.⁸⁴ When a witness is speaking, they should look at the person who asked the question or at the judge.

84. See section 131(1) of the *Criminal Code*.

12.3.4 Order of Presentation

The Applicant calls their witnesses first.⁸⁵ They call each of their witness in order, including themselves. The person who calls a witness asks questions first, then the other party can ask the witness questions afterward. Normally the judge will ask if you want to ask any questions after the other party questions their witness. When the Applicant finishes presenting evidence and has questioned all their witnesses, it is the other parent’s turn to call their own witnesses.

85. Rule 54.07 of the *Rules of Court*.

12.4 The Court Order⁸⁶

The judge may tell you the decision at the end of the hearing. However, sometimes the judge may want time to think. If so, the judge will make a written decision after the hearing is over.

86. Rule 60.02 of the *Rules of Court*.

Tips for the Hearing

- **Bring a friend** for moral support.
- **Turn off your cell phone.** Make sure you don't have technology that will ring or make noise during the court hearing.
- **Wear appropriate clothes.** There is no dress code at court, but you should avoid jeans, sweat pants, t-shirts with inappropriate logos, and open toed shoes. Aim for “business casual.”
- **Be early.** Arrive at court about 15 minutes before the hearing starts.
- **Stand up** when the judge enters the courtroom. Remain standing until the judge sits down.
- **Be respectful** to the judge. When it is your turn to speak, speak directly to the judge. You should address the judge as “Sir” or “Madam”.
- **Take a moment to think** before you answer a question.
- **Do not interrupt the judge** or anyone else when they are speaking. Do not sigh or shrug your shoulders in disbelief. If you disagree with someone, make a note of it. Then bring it up when it is your turn to ask a question, give evidence or argue.

The court administrator will send you a copy of the court order when the judge makes a decision.

13. Once you have a Court Order

13.1 Appeals⁸⁷

If you are unhappy with the order and if you believe the judge has made an error of law, you may be able to appeal the decision. If you are considering an appeal, you should immediately consult a lawyer. An appeal is a complicated process and a lawyer can help you. You have thirty days to start the appeal process after the decision.⁸⁸

The New Brunswick Court of Appeal has a [guide to help self-represented litigants handle their own appeals](#).

Once there is a court order, both parents must follow it. If someone refuses to follow the terms of the court order, you may need to take steps to enforce it.

13.2 Enforcing a Court Order

13.2.1 Contempt of Court

In general when a person does not follow a court order, you can file a Notice of Motion asking the court to hold that person in contempt of court.⁸⁹ Keep a record of what happens. If a parent continues to defy a court order, you should see a lawyer. Although a Contempt Order is available for many situations, you should know that the court will not force a parent to visit a child.

13.2.2 Some Specific Family Law Situations

In addition to the contempt procedure, the *Family Law Act* includes solutions for the following situations.

- **Locating the Other Parent:** You can apply to the court for help if you need to know the location of the other parent to enforce a Parenting or Support Order.⁹⁰
- **Unlawfully Keeping a Child:** If someone is unlawfully withholding the child from you, you can apply to the court for help. For example, a parent may refuse to return the child to the other parent after their parenting time is scheduled to end, or the parent with the majority of parenting time may refuse to allow the other parent their parenting time ordered by the court.
- **Taking a Child Away:** You can also apply to the court for help if you have a good reason to believe that the other parent is going to take the child out of New Brunswick against a court order or separation agreement. You can also apply if you believe that the parent will take a child out of the province during their parenting time and that the child is not likely to return. The court can take steps to make sure that the parent does not leave with the child.⁹¹

If any of these situations apply to you, you can make a motion to the court to enforce your Parenting Order. See Section 7 on “Motions”.

87. Rule 62 of the *Rules of Court*.

88. Rule 62.05(2)(a) of the *Rules of Court*.

89. Rule 76.03 of the *Rules of Court*.

90. See section 80 of the *Family Law Act*.

91. See section 67 of the *Family Law Act*.

92. See sections 281 to 283 of the *Criminal Code*.

93. See section 5(1) of the *Support Enforcement Act*, c.S-15.5, SNB.

94. See section 22(2) of the *Family Law Act*.

95. See section 14 of the *Federal Child Support Guidelines*.

13.2.3 Abduction

Abduction is also a criminal offence.⁹² It is a crime for a parent, or anyone else, to remove or hide a child under the age of 14 without the consent of a person with decision-making responsibility. If your child is abducted you should contact the police.

13.2.4 Office of Support Enforcement (OSE)

This provincial service helps enforce orders for child or spousal support. Any order for support that a New Brunswick court makes will automatically be filed with this service.⁹³ For more information see [their website](#) and PLEIS NB's booklet on [Support Enforcement](#).

13.3 Changing a Court Order

13.3.1 Agreement

Sometimes people agree to change the arrangements in a court order. You can also try mediation to come to an agreement. See Section 2.1 on "Other Options". If you can come to an agreement on your own or with mediation, you can draft a **Consent Order**. You can make a Consent Order for a variation, discharge, or suspension of a Support Order. You may file the Consent Order, with a copy of the Support Order and any income information, in the Judicial District where one of you ordinarily lives.

13.3.2 Applying to Court

If you cannot agree, you can ask the court to change an existing Parenting or Support Order if the circumstances surrounding the child have changed significantly.⁹⁴ The court would not be reviewing the original case. You must also show the judge that changing the order is what is best for the child. Remember that the final decision is always up to the judge.

Before going to court, you should try mediation. See Section 2.1.4 for more information.

Examples of What May Justify Asking the Court to Change a Parenting Order:

- The child has significant negative behavior changes relating to the parenting arrangements.
- One of the parents has significant changes in behavior, which affect the parenting arrangements.
- One of the parents is moving away.

Examples of What May Justify Asking the Court to Change a Child Support Order⁹⁵

- The payer's income changes.
- The child has unexpected special expenses such as childcare, health care, education or special activities.
- The amount of child support is different from the amount set out in the new Child Support Guidelines. For more information see Section 5.1.2 on "The Guidelines".

- The child has reached the age of majority and is not dependent on their parents. Some reasons a court may consider a child over the age of majority to still be dependents include:
 - being enrolled in post-secondary school full time
 - having a disability that affects their ability to live independently.

13.3.3 What Procedure Do I Use?

The procedure you follow depends on whether you already have a court order.

- If you already have a court order on the matter, you make a motion asking the court to change the previous order. See Section 7 on “Motions”.
- If you have an agreement, including a support agreement that was filed with the court, then you must make an application asking the court to make an order. See Section 4 for more information on preparing applications.

13.4 Relocation

When a parent wants to move with the child, and the move is far enough away that it could affect the other parent's parenting time⁹⁶, this is called a relocation.

13.4.1 Notice of Relocation

Parents who wish to relocate with the child are required to give notice to the other parent at least 60 days ahead of time. The notice should include:

- the date you are moving
- your new address
- your new contact information
- how contact or parenting time can continue after the move

If you are worried for the safety of yourself or your children, you can apply to the court for an exemption to the requirement that you notify the other parent.⁹⁷

13.4.2 Objection to Notice of Relocation

If your child's other parent gives you notice that they intend to relocate with the child, you have 30 days to respond to object⁹⁸. You can apply to the court to object to the child moving - but you cannot object to the other parent's plan to move without the child.

You must file a Motion with the court to object to the relocation.

96. See section 60 of the *Family Law Act*.

97. See section 60(6) of the *Family Law Act*.

98. See section 61(b)(i) of the *Family Law Act*.

14. Harassment Problems

14.01 Civil Restraining Order

If you are worried that the other parent will harass you or your children, you can ask the court to make an order to keep them from molesting, annoying, harassing or interfering with you or your children. Under the *Divorce Act* this is called a civil protection order⁹⁹, and under the *Family Law Act* this is called a civil restraining order.¹⁰⁰ For example, you may want to ask the court to order the other parent not to harass you while visiting the children if the other parent has abused you in the past.

For more information, see PLEIS NB's booklet on [Peace Bonds and Protective Orders](#).

14.02 A Restraining Order or a No Contact Order

Sometimes when making a Parenting Order in a very serious situation, the court will also order the parent without parenting time not to enter certain premises, such as the child's home, not to contact the other parent, or not to contact the child.¹⁰¹ For example, you may want to ask the court for a No Contact Order if the other parent has a history of abusing the child.

This kind of Order can also be made during criminal proceedings. See PLEIS NB's web page [You can ask for No-Contact With the Offender](#).

14.03 The Procedure

You can make these types of requests on your Notice of Application when you are applying for a Parenting Order. See Section 4 on "Preparing An Application for Parenting Time or Decision-Making Responsibility". In addition, you can make a motion asking for an Interim Order, which will stay in effect until the court makes a final decision after the parenting hearing. See Section 7 on "Motions".

Note: There are also criminal remedies to deal with harassment. For example, if the other parent is charged by the police with a crime (such as stalking, assault, uttering threats, etc.) you can ask the court for a no contact provision. Or, you may be able to obtain a peace bond. You can find out more about these options on the [PLEIS NB website](#).

99. See section 7.8(3) of the *Divorce Act*.

100. See section 81 of the *Family Law Act*.

101. See section 81 of the *Family Law Act*.

15. Addresses of the Court Offices and Judicial Districts

Judicial District of Bathurst

(Gloucester County)
Court of King's Bench, Family Division
P.O. Box 5001, 254 St. Patrick Street
Bathurst NB E2A 3Z9
Email : ST-Bathurst-CS@gnb.ca
Court Office: 506-547-2152

Judicial District of Campbellton

(Restigouche County)
Court of King's Bench, Family Division
P.O. Box 5001, 157 Water Street, Suite 202
Campbellton NB E3N 3H5
Email: ST-Campbellton-CS@gnb.ca
Court Office: 506-789-2364

Judicial District of Edmundston

(Madawaska County, the Parish of Drummond, and the Town of Grand Falls of Victoria)
Court of King's Bench, Family Division
P.O. Box 5001, 121 Church Street
Edmundston NB E3V 1J9
Email: ST-Edmundston-CS@gnb.ca
Court Office: 506-735-2029

Judicial District of Fredericton

(York County, Sunbury County, and Queens County)
Court of King's Bench, Family Division
P.O. Box 6000, 427 Queen Street
Fredericton NB E3B 5H1
Email: ST-Fredericton-CS@gnb.ca
Court Office: 506-453-2015

Judicial District of Miramichi

(Northumberland County)
Court of King's Bench, Family Division
673 King George Highway Suite 109
Miramichi NB E1V 1N6
Email: ST-Miramichi-CS@gnb.ca
Court Office: 506-627-4023

Judicial District of Moncton

(Albert County, Westmorland County, and Kent County)
Court of King's Bench, Family Division
P.O. Box 5001, 145 Assumption Blvd.
Moncton NB E1C 8R3
Email: ST-Moncton-CS@gnb.ca
Court Office: 506-856-2304

Judicial District of Saint John

(Charlotte County, Saint John County and Kings County)
Court of King's Bench, Family Division
P.O. Box 5001, 10 Peel Plaza
Saint John NB E2L 3G6
Email: FD-SaintJohn-DF@gnb.ca
Court Office: 506-658-2400

Judicial District of Woodstock

(Carleton County, Victoria County except the Parish of Drummond, and the Town of Grand Falls. (see Edmundston))
Court of King's Bench, Family Division
P.O. Box 5001, 689 Main Street
Woodstock NB E7M 5C6
Email: ST-Woodstock-CS@gnb.ca
Court Office: 506-325-4414

New Brunswick Legal Aid Offices

Bathurst

275 Main Street, Suite 215
Bathurst, NB E2A 1A9
Telephone: (506) 546-5010

Campbellton

19 Aberdeen Street, Suite 201
Campbellton, NB E3N 2J6
Telephone: (506) 753-6453

Edmundston

121 rue de l'Église, Suite 209
Edmundston, NB E3V 1J9
Telephone: (506) 735-4213

Fredericton

412 Queen Street, Suite 210
Fredericton, NB E3B 1B6
Telephone: (506) 444-2777

Miramichi

673 King George Hwy., Suite 103
Miramichi Law Courts
Miramichi, NB E1V 1N6
Telephone: (506) 622-1061

Moncton

774 Main Street, Suite 300
Moncton, NB E1C 9Y3
Telephone: (506) 853-7300

Saint John

15 Market Square, Suite 802
Saint John, NB E2L 1E8
Telephone: (506) 633-6030

Woodstock

633 Main Street, Unit 122
Woodstock, NB E7M 2C6
Telephone: (506) 328-8127

16. Glossary of Terms

The following terms are defined by both the legislation (such as the *Divorce Act* and the *Family Law Act*) and the cases that interpret that legislation.

Argument: Statement or group of statements that you use to convince the court that your opinion is correct.

Abduction: Unlawfully removing a child under the age of 16 without the permission of the parent(s) with decision-making responsibility. Abduction is a crime in Canada. If the person removing the child is the child's parent, they can be charged with abduction if the child is below the age of 14.¹⁰²

Adjournment: postponing a court hearing until another time.

Affidavit: a signed written statement of facts. Affidavits must be sworn or affirmed before a Commissioner of Oaths.

Applicant: a person who makes an application to the court.

Arrears: accumulated debt yet to be paid. For example, child support arrears can accumulate when child support have not been fully paid in the past.

"Best interests of the child": this is the only standard a judge may consider when deciding parenting time or decision-making responsibility. It is defined in the *Family Law Act*¹⁰³ as:

... all factors related to the circumstances of the child, including

- (a) the child's cultural, linguistic, religious and spiritual upbringing and heritage, including First Nations upbringing and heritage,
- (b) the child's needs, including the need for stability, given the child's age and stage of development,
- (c) the nature and strength of the child's relationship with each parent, each of the child's siblings and grandparents and any other person who plays an important role in the child's life,
- (d) each parent's willingness to support the development and maintenance of the child's relationship with the other parent,
- (e) the history of care of the child,
- (f) the child's views and preferences, giving due weight to the child's age and maturity, unless they cannot be ascertained,
- (g) any plans for the child's care,
- (h) the ability and willingness of each person in respect of whom the order would apply to care for and meet the needs of the child,
- (i) the ability and willingness of each person in respect of whom the order would apply to communicate and cooperate, in particular with one another, on matters affecting the child,
- (j) any family violence and its impact on, among other things,
- (i) the ability and willingness of any person who engaged in the family violence to care for and meet the needs of the child, and
- (ii) the appropriateness of making an order that would require persons in respect of whom the order would apply to cooperate on issues affecting the child, and
- (k) any civil or criminal proceeding, order, condition or measure that is relevant to the safety, security and well-being of the child.

102. See sections 280-283 of the *Criminal Code*.

103. See section 50 of the *Family Law Act*.

104. See section 1 of the *Family Law Act*.

105. See section 1 of the *Family Law Act*.

106. See section 83 of the *Family Law Act* and Rule 76 of the *Rules of Court*.

Child: a person who has not reached the age of majority. Under the *Family Law Act*, a child is an unmarried person under the age of majority (19).¹⁰⁴

Child Support: parents have a legal obligation to financially support their children.¹⁰⁵ A parent without the majority of parenting time usually pays child support to the parent with the majority of parenting time to help provide for the child. Payments can be arranged by agreement or by court order.

Commissioner of Oaths: a person who is legally appointed to take an oath or affirmation. Oaths and affirmations are required for signing sworn documents like affidavits.

Common law: usually refers to a couple who has lived together in a relationship of some permanence. How long a couple must live together to be considered common law can depend on the circumstances, usually ranging from 1-3 years.

Contempt of Court: interfering with the administration of justice or ignoring the Rules of Court. If a judge finds someone in contempt of court, they can punish that person in a number of ways, including by ordering them to

- do or not to do something.
- pay a fine
- pay costs to the other party
- in some extreme cases, serve a period of imprisonment¹⁰⁶

Court Order: a legally binding document made by a court and signed by a judge.

Court Administrator: the person who runs the administrative side of the Court of King's Bench, Family Division.

De facto parenting arrangement: an informal parenting arrangement. This usually refers to the parenting schedules and arrangements that happen before the parties have a court order or formal agreement in place.

Decision-making responsibility: the responsibility for making significant decisions about a child's well-being, including decisions about the child's:

- health (such as whether to undergo a medical procedure)
- education (such as choice of school)
- culture, language, religion and spirituality (such as which faith the child will follow, if any)
- significant extra-curricular activities (meaning activities that require a relatively large investment of the parent's time or financial resources)

Divorce: the legal end of a marriage.

Evidence: testimony by witnesses, objects identified by witnesses, or documents that are presented to the court to help the judge reach a decision.

Family Law: the legal rights and obligations between family members, married spouses, parents and children, and unmarried couples.

Family Division, Court of King's Bench: a provincial trial court with jurisdiction over all matters in family law under provincial or federal legislation.

Family Legal Aid: a program of the New Brunswick Legal Aid Services Commission that helps people in financial need with some family law matters.

Final Order: a legally binding document made by a court and signed by a judge. A Final Order is usually made after a full trial.

Habitually Resident: Under the *Family Law Act*, a child is habitually resident in the place where the child last lived, either:

- with both parents,
- with one parent under a separation agreement, a court order or with the implied consent of the other, or
- with a person other than a parent for a significant period of time.¹⁰⁷

Hearing: A court proceeding to present evidence in court.

Interim Order: a court order that is meant to last temporarily, usually until there is a final trial in the case.¹⁰⁸

Joint Decision-Making Responsibility: when each parent continues to share the responsibility to make major decisions for the child. Parents with joint decision-making responsibility make decisions about bringing up the child together, but this does not necessarily mean the child lives an equal amount of time with both parents. For example, the child may live with only one parent while the other parent still has a say in major decisions. Joint decision-making responsibility requires parents to co-operate with each other.

Judgment: the decision of the court in a legal proceeding. See also: court order, above.

Judicial District: Different regions within the province of New Brunswick, where regional family courts have jurisdiction. There are 8 Judicial Districts in New Brunswick, and each Judicial District is made up of 1 to 3 counties. Applications for parenting orders must be made in the judicial district where the child is habitually resident. To see a list of all Judicial Districts in New Brunswick, please see page 43.

Jurisdiction: the court's authority to hear the case before it.¹⁰⁹

Maintenance: another word for child support and spousal support.

Marriage: The legal status of being married. Although sometimes the law treats people who live together the same as married people, you are never married until you go through a legal marriage ceremony.

Mediation: a way to settle family matters through negotiation with the help of a third person. The purpose of mediation is to help people work out an agreement together.

Motion: a court process where a party asks the court to make a decision on a certain question before, during or after a court proceeding.

Motion to change: a court process used to ask a judge to change a court order or agreement filed with the court.

107. See section 68(2) of the *Family Law Act*.

108. Rule 73.15 of the *Rules of Court*.

109. See section 68(1) of the *Family Law Act*.

110. See section 13 of the *Evidence Act*, c.E-11, SNB.

111. See section 14 of the *Evidence Act*.

112. See section 1 of the *Family Law Act*.

113. See section 131 of the *Criminal Code*.

Oath: a legally binding promise to tell the truth made by swearing on the Bible or other religious document, for example, the Koran.¹¹⁰ A person who does not want to swear on a religious document makes a solemn affirmation, which is a promise to tell the truth. This is as legally binding as an oath.¹¹¹

Parent: a mother or father, or an official guardian. This can include a person the child lives with and who treats the child as family.¹¹²

Parenting Agreement: any agreement about decision-making responsibility and parenting time of a child.

Parenting Order: a court order that deals with decision-making responsibility and parenting time of a child.

Parenting Time: the time during which a parent is responsible for a child. This includes time when the child is not physically in the care of that person, such as when the child is at school or in daycare.

Party: someone involved in a court proceeding.

Perjury: to tell a lie in court after swearing to tell the truth. Perjury is a criminal offence.¹¹³

Plaintiff: A person who brings a case against another in court.

Proceedings: any matter, criminal or civil, which goes to court.

Record on Motion: A record of all Affidavits, Motions, and other documents that a Motion participant intends to rely on for a Motion hearing. The Record on Motion must be filed with the court before at least 2 business days before the hearing.

Respondent: the person named in a Notice of Application or Motion. The Respondent can respond to the Application or Motion.

(Civil) Restraining Order: Order prohibiting someone with a family connection from doing something, usually from approaching or contacting a specific person. Some reasons why these Orders are used include:

- to stop someone from entering your house
- to stop contact with your child
- to stop a person for harassing you or your child.

For more information on Restraining Orders, see our [Peace Bonds and Protective Orders](#) pamphlet.

Separation Agreement: a written agreement between spouses who intend to live apart. It can include arrangements for parenting time or decision-making responsibility, spousal and child support payments, division of property, and other matters.

Shared Parenting Time: an arrangement where each parent has parenting time at least 40% of the time. This includes time when the child is not physically in the care of that person, such as when the child is at school or in daycare.

Sole Decision-Making Responsibility: when one parent has the responsibility to make decisions about a child's education, religion, healthcare, language, and general well-being. Decision-making responsibility can include many other important decisions about a child's life. It is possible for one parent to have a decision-making responsibility for one area of a child's life, for example religion, while the other parent has decision-making responsibility for another area such as medical care.

Solicitor: in New Brunswick, this is another word for lawyer.

Special expenses: according to the Federal Child Support Guidelines, special expenses are expenses that are:

- necessary for the child's best interests
- reasonable based on the means of both parents¹¹⁴

special expenses are paid over and above the table amount of child support. They can include expenses like day care, medical and dental costs, and some education and extracurricular costs.

Split Parenting Time: a parenting arrangement where each parent has primary care of one or more of the children. That means each parent has one or more children living with them more than 60% of the time in the year.

Spousal Support: money paid by one spouse or common law partner to another after separation. Spousal support is meant to help pay for living expenses for someone who was financially dependent on their spouse or partner. Support is usually paid on a monthly basis.¹¹⁵

Spouse: a legally married person or in some cases a person in a voidable or void marriage, but not common law partners in general.¹¹⁶

Summons: a document telling a person when and where they must appear in court as a witness.

Supervised Parenting Time: refers to parenting time that takes place under the supervision of the parent with primary care of the child, or another adult.

Support Order: a court order to pay spousal support or child support.

Testimony: statements made by a witness under oath in court.

Table amount: the basic amount of child support a parent must pay if they have the child in their care less than 40% of the time. The table amount is based on the paying parent's income, the province or territory they live in, and the number of children they have.

Trial Record: Tells the court you are ready for a final trial. The Trial Record includes all Affidavits, Motions, court forms, and other documents filed with the court during a proceeding. Also includes a Certificate of Readiness (Form 47B) to show you are ready for a trial date.

Visitation Rights: see both parenting time and supervised parenting time, above.

Under Oath: after making an oath or solemn affirmation, a witness is bound to only tell the truth. If a person does not tell the truth under oath, that person is liable for perjury.

114. See section 21(2)(a) of the *Family Law Act*.

115. See sections 14 and 21(2)(a) of the *Family Law Act*.

116. See section 1 of the *Family Law Act*.

117. See section 11 of the *Federal Child Support Guidelines*.

Undue Hardship: a specific kind of application asking the court to order an amount of child support lower than the table amount. The reasons a parent can claim undue hardship include:

- unusually high debts taken as a result of the parents' separation
- unusually high costs to spend time with the child
- a legal obligation to support another dependent or child from another relationship
- a legal obligation to support another former or current spouse

Undue hardship requires significant difficulties or expenses. To successfully claim undue hardship, the parent making the claim must also have a lower standard of living than the other parent. Even if the court determines that a parent is facing undue hardship, it has full discretion to determine the appropriate amount of child support.¹¹⁷

Witness: a person who testifies in court because they have some information about the case.

17. A Quick Look at the *Family Law Act*

This table points to some of the sections of the *Family Law Act*, which may apply to decision-making responsibility, parenting time and support applications. However, other sections and other legislation may also apply. If you need more information, you should consult a lawyer.

Section #	Topic of the Section
1	Definitions
5	Duties of parties to proceedings
14	A spouse's support obligation
10, 15	A parent's support obligation
17	Application for support of a dependant
18(1)	Circumstances considered for spousal support
21	Child Support Order
22, 23	Changing a Support Order
49	Decision-making responsibility and parenting time
67	Order to prevent removal of child from Province
68	Jurisdiction of court
80	Order to provide address of proposed Respondent
81	Restraining Order

This table is accurate as of March 2025

You can download a copy of the [Family Law Act](#).

18. Duties of Parties to Proceedings

The *Family Law Act* and the *Divorce Act* both have sections explaining the duties of parties to proceedings (meaning, the Applicant and the Respondent, and anyone else named in the Style of Proceeding).

When filling out court forms, many of them will ask you to sign a declaration to say that you understand these duties. They are included below:

Family Law Act

Duties of parties to proceedings

- 5(1) A person to whom parenting time or decision-making responsibility has been allocated in respect of a child or who has contact with a child under a contact order shall exercise that time, responsibility or contact in a manner that is consistent with the best interests of the child.
- 5(2) A party to a proceeding under this Act shall, to the best of their ability, protect any child from conflict arising from the proceeding.
- 5(3) To the extent that it is appropriate to do so, the parties to a proceeding under this *Divorce Act* and *Family Law Act*.
- 5(4) A party to a proceeding under this Act or a person who is subject to an order made under this Act shall provide complete, accurate and up-to-date information if required to do so under this Act.
- 5(5) For greater certainty, a person who is subject to an order made under this Act shall comply with the order until it is no longer in effect.
- 5(6) Every document that formally commences a proceeding under this Act, or that responds to a document, that is filed with the Court by a party to a proceeding shall contain a statement by the party certifying that they are aware of their duties under this section.

Divorce Act

Best interests of child

- 7.1 A person to whom parenting time or decision-making responsibility has been allocated in respect of a child of the marriage or who has contact with that child under a contact order shall exercise that time, responsibility or contact in a manner that is consistent with the best interests of the child.

Protection of children from conflict

- 7.2 A party to a proceeding under this Act shall, to the best of their ability, protect any child of the marriage from conflict arising from the proceeding.

Family dispute resolution process

- 7.3 To the extent that it is appropriate to do so, the parties to a proceeding shall try to resolve the matters that may be the subject of an order under this Act through a family dispute resolution process.

Complete, accurate and up-to-date information

- 7.4 A party to a proceeding under this Act or a person who is subject to an order made under this Act shall provide complete, accurate and up-to-date information if required to do so under this Act.

Duty to comply with orders

- 7.5 For greater certainty, a person who is subject to an order made under this Act shall comply with the order until it is no longer in effect.

Certification

- 7.6 Every document that formally commences a proceeding under this Act, or that responds to such a document, that is filed with a court by a party to a proceeding shall contain a statement by the party certifying that they are aware of their duties under sections 7.1 to 7.5.

19. Examples of Court Documents

In the examples in this guide, you will sometimes see information that is filled in by hand or in **coloured ink**. This shows where you should put information about your **own situation**. Where the example has a signature and a printed name under a line, sign your own name and print your name below the line. The numbered notes at the bottom of the page are for your information only. Do not include them in your court documents.

Do **NOT** photocopy these examples. Documents must be filed with the court. You can get court forms:

- at your **local courthouse**;
- at any **Service New Brunswick location**;
- by calling the NB **Justice Triage Centre** at (506) 856-2304, Option #2; and
- by going on the **New Brunswick Office of the Attorney General's website**.

Do **NOT** send your documents to Public Legal Education and information Service of New Brunswick (PLEIS NB).

Example Fact Situation

The following fact situation and sample documents are presented as examples of how an application for parenting and support might proceed:

Jane Doe and John Smith were married in 2019. In March 2020, they had a child, Kimberly Ann. In January 2023, they had another child, David Scott. In February 2024, Jane and John separated. Both children are living with Jane.

John still works as an accountant, the same job that he had when Jane and John got married. Jane works as a store clerk. After they separated, John sent Jane \$500 in July and \$500 in August. No money has arrived since August 2024.

First Jane and John try to negotiate a separation agreement. It does not go well so they make an appointment for mediation. They still cannot agree. Jane wants sole parenting time and decision-making responsibility of the children and financial support for the children. She considers her options and decides there is no way she can afford a lawyer. She decides to make her own application to the court. When John receives the notice that Jane is applying for this Parenting Order, he decides to ask the court for parenting time so he can visit the children.

The forms in this section follow Jane and John as they navigate the family court process, including:

- Filing an initial application (Forms 73A and 73AA)
- Serving documents (Forms 18A and 18B)
- Requesting an interim parenting order (Form 37A)
- Requesting a change to the child support order (Form 72U)
- Responding to Applications and Motions (Responding Affidavit).

You can find a list of the examples in the Table of Contents at the beginning of this guide.

Example 1. Style of Proceeding¹

Court File Number FDF-00-0000²

In The Court of King's Bench of New Brunswick
Family Division
Judicial District of Fredericton³

Between:

Jane Mary Doe⁴

Applicant

- and -

John Richard Smith⁵

Respondent

1. This information is at the beginning of every court document.

2. The court file number, which you can find on the first page of the Notice of Application.

3. The name of the Judicial District where you are applying to the court. See Section 15 of this guide for the list.

4. The Applicant's full legal name.

5. The Respondent's full legal name.

Example 2. Cover Letter for Filing Documents

456 Main St.
Hometown, NB
E3A 1Z1¹

June 8, 2025²

Office of the Administrator³
Court of King's Bench, Family Division
Justice Building, Queen Street
P. O. Box 6000
Fredericton, NB E3B 5H1

Dear Court of King's Bench:

You will find enclosed the following documents:

- Notice of Motion,
- Financial Statement and income information, and
- Affidavit with original order attached as Exhibit A.

Please file the documents and return my copy to me at the above address.

Yours truly,

*Jane Doe*⁴
Jane Doe⁵

Enclosures

1. Your address.

2. The date (month, day, year).

3. Address of the court office where you are sending the documents. See Section 15 of this guide for the addresses.

4. Your signature.

5. Your full name typed or clearly printed.

Example 3. Affidavit of Service (Personal Service) (Form 18B)

Court File Number FDF-00-0000

In The Court of King's Bench of New Brunswick
Family Division
Judicial District of Fredericton

Between:¹

Jane Mary Doe

Applicant

- and -

John Richard Smith

Respondent

Affidavit of Service (Form 18B)

I, **Kate Jones**², of the City of **Fredericton**³, in the County of **York**⁴, in the Province of New Brunswick, **teacher**⁵, MAKE OATH AND SAY AS FOLLOWS:

1. On the **15th** day of **June**, 2025⁶, I served the respondent with the attached document marked "A" by leaving a copy with **them** at **789 Queen Street, Hometown**⁷, New Brunswick.
2. I was able to identify the person served by means of the fact that **the Respondent admitted to being John Richard Smith. The respondent showed me his New Brunswick driver's license in the name of John Richard Smith, number 777777.**⁸

SWORN before me at **Fredericton**,⁹
in the County of **York**,
in the Province of New Brunswick,
this **16th** day of **June**, 2025.

A Commissioner of Oaths
Being a solicitor
or
My appointment expires
(Month. . . . Day. . . . Year)

Kate Jones¹⁰

1. Always include the court file number and full style of proceeding at the top of court documents. See example 1 for a style of proceeding.

2. The server's name goes here. This is the person you asked to serve the documents on the other parent.

3. The place where the server lives.

4. The county where the server lives.

5. The server's occupation, for example teacher or doctor.

6. The date (day, month and year) that the server served the documents.

7. The address where the server served the documents on the other parent.

8. Write down how the server knew who the other parent was. If the other parent showed the server a piece of identification, the type of identification and number should be included here.

9. The server must take this Affidavit to a Commissioner of Oaths and sign it. See Section 3.5 for more information. Leave blanks for the date and signatures.

10. The server's name, typed or clearly written.

Example 4. Affidavit of Service (Registered Mail) (Form 18B)

Court File Number FDF-00-0000

In The Court of King's Bench of New Brunswick
Family Division
Judicial District of Fredericton

Between:¹

Jane Mary Doe

Applicant

- and -

John Richard Smith

Respondent

Affidavit of Service (Form 18B)

I, **Kate Jones**², of the City of **Fredericton**³, in the County of **York**⁴, in the Province of New Brunswick, **teacher**⁵, MAKE OATH AND SAY AS FOLLOWS:

1. On the **15th** day of **June**, 2025⁶, I served the respondent with the attached document marked "A" by sending a copy of the document [**together with the Acknowledgement of Receipt Card**] by registered mail addressed to the respondent at **789 Queen Street, Hometown**,⁷ New Brunswick, his last known address.
2. On the **25th** day of **June**, 2025, [**the attached Acknowledgement of Receipt Card or post office receipt**] marked "B" bearing a signature which appears to be the signature of the respondent was returned to and received by me.

SWORN before me at **Fredericton**,
in the County of **York**,
in the Province of New Brunswick,
this **26th** day of **June**, 2025.

A Commissioner of Oaths⁸
Being a solicitor
or
My appointment expires
(Month. . . . Day. . . . Year)

Kate Jones⁹

1. Always include the full style of proceeding at the top of court documents. See example 1 for a style of proceeding.

2. The server's name goes here. This is the person you asked to serve the documents on the other parent.

3. The place where the server lives.

4. The county where the server lives.

5. The server's occupation, for example teacher or doctor.

6. The date (day, month and year) that the server served the documents.

7. The address where the server served the documents on the other parent.

8. The server must take this Affidavit to a Commissioner of Oaths and sign it. See Section 3.5 for more information. Leave blanks for the date and signatures.

9. The server's name, typed or clearly written.

Example 5. Acknowledgment of Receipt Card (Form 18A)¹

Court File Number FDF-00-0000

In The Court of King's Bench of New Brunswick
Family Division
Judicial District of **Fredericton**

Between:²

Jane Mary Doe

Applicant

- and -

John Richard Smith

Respondent

ACKNOWLEDGEMENT OF RECEIPT CARD (Form 18A)

TO: **John Richard Smith³**

789 Queen Street, Hometown, NB

You are served by mail with the documents enclosed with this card pursuant to the Rules of Court.

You **MUST** complete and sign the acknowledgement below and mail this card within 3 days of the date you receive it or you may have to pay the costs of the Sheriff or some other person serving you personally.

Acknowledgement of Receipt

I hereby acknowledge that on the **15th** day of **June, 2025⁴**, I received the following documents:⁵

a) copy of the Notice of Application together with attached documents.

b) Financial Statement and income information.

John Richard Smith ⁶

John Richard Smith⁷

1. You can include this form with the documents being served on the other parent. Leave the signature line blank for them to sign.

2. Always include the full style of proceeding at the top of court documents. See example 1 for a style of proceeding.

3. The other parent's address.

4. Leave blank space here; the other parent will fill in the date when they sign the form.

5. List all the documents being served on the other parent.

6. The other parent signs here.

7. Type or clearly print the other parent's name below the signature line.

Example 6. Notice of Application (Form 73AA)

Court File Number **FDf-00-0000**¹

IN THE COURT OF KING'S BENCH OF NEW BRUNSWICK FAMILY
DIVISION JUDICIAL DISTRICT OF **FREDERICTON**

BETWEEN:

Jane Mary Doe APPLICANT

- and -

John Richard Smith RESPONDENT

NOTICE OF APPLICATION (FORM 73AA)

TO: **John Richard Smith 789 Queen St., Hometown NB
A1B 3C4, jsmith@email.ca**²

LEGAL PROCEEDINGS HAVE BEEN COMMENCED BY
FILING THIS NOTICE OF APPLICATION.

If you wish to oppose this application or to assert
a right or claim, either you or a New Brunswick
lawyer acting on your behalf shall prepare and file a
responding document in accordance with the Rules
of Court and serve it on the applicant or if the applicant
has a lawyer, upon the applicant's lawyer at the address
shown below and, with proof of such service, file it in
this Court Office, within the following times after such
service:

- (a) if you are served in New Brunswick, WITHIN 20
DAYS,
- (b) if you are served elsewhere in Canada or the
United States of America, WITHIN 40 DAYS, or
- (c) if you are served anywhere else, WITHIN 60
DAYS.

If you fail to do so,

- (a) an order which may affect you may be made
in your absence, or
- (b) if the Court is satisfied that your attendance
is necessary for a just determination of
the application and you are within the
jurisdictional limits of the Court, a warrant
may be issued directing a peace officer to
apprehend you and bring you before the
Court.

N° du dossier

COUR DU BANC DU ROI DU NOUVEAU-BRUNSWICK DIVISION
DE LA FAMILLE CIRCONSCRIPTION JUDICIAIRE DE _____

ENTRE :

REQUÉRANT

- et -

INTIMÉ

AVIS DE REQUÊTE (FORMULE 73AA)

DESTINATAIRE :

PAR LE DÉPÔT DU PRÉSENT AVIS DE REQUÊTE, UNE
POURSUITE JUDICIAIRE A ÉTÉ ENGAGÉE CONTRE VOUS.

Si vous désirez contester cette requête, revendiquer
un droit ou former une demande, vous-même ou
un avocat du Nouveau-Brunswick chargé de vous
représenter devrez rédiger et déposer un document
de défense conformément aux Règles de procédure,
le signifier au requérant ou à son avocat, s'il est
représenté par un avocat, à l'adresse indiquée ci-
dessous, et le déposer au secrétariat de cette cour avec
une preuve de sa signification, dans les délais suivants
de la signification :

- (a) DANS LES 20 JOURS, si elle vous est faite au
Nouveau-Brunswick,
- (b) DANS LES 40 JOURS, si elle vous est faite dans
une autre région du Canada ou dans les États-
Unis d'Amérique, ou
- (c) DANS LES 60 JOURS, si elle vous est faite
ailleurs.

Si vous omettez de la faire,

- (a) une ordonnance pouvant vous concerner
pourra être rendue en votre absence ou
- (b) si la cour estime que votre comparution est
nécessaire à la solution équitable de la requête,
elle pourra émettre un mandat prescrivant à
un agent de la paix de vous arrêter et de vous
amener devant elle si vous vous trouvez dans
le ressort de la cour.

1. Always include
the court file
number and full
style of proceeding
at the top of
court documents.
See example
1 for a style of
proceeding.

2. Write the
Respondent's
name and
contact
information
here.

Example 6. Notice of Application (Form 73AA) PAGE 2

IF THIS NOTICE OF APPLICATION CONTAINS A CLAIM FOR SUPPORT OR A PARENTING ORDER, YOU MUST, NOT MORE THAN 20 DAYS AFTER BEING SERVED WITH THIS NOTICE OF APPLICATION, SERVE ON THE APPLICANT YOUR FINANCIAL STATEMENT IN THE FORM PRESCRIBED BY THE RULES OF COURT AND ANY INCOME INFORMATION REQUIRED BY THE REGULATIONS RESPECTING ORDERS FOR CHILD SUPPORT UNDER THE FAMILY LAW ACT, WHETHER OR NOT YOU WISH TO OPPOSE THE APPLICATION.

IF THIS NOTICE OF APPLICATION CONTAINS A CLAIM UNDER THE MARITAL PROPERTY ACT, YOU MUST SERVE WITH YOUR RESPONDING DOCUMENT A STATEMENT OF PROPERTY AND DEBTS OR A STATEMENT OF CONTRIBUTION TO PROPERTY IN THE FORM PRESCRIBED BY THE RULES OF COURT WHETHER OR NOT YOU WISH TO OPPOSE THE APPLICATION.

You are advised that:

- (a) you are entitled to issue documents and present evidence in the proceeding in English or French or both;
- (b) the petitioner intends to proceed in the English³ language;
- (c) if you intend to proceed in or present evidence in the other official language, an interpreter may be required and you must so advise the administrator at least 7 days before the hearing.

THIS NOTICE is signed and sealed for the Court of King's Bench by _____, Administrator of the Court, at _____ on the _____ day of _____, 20 ____.⁴

Court Seal

(administrator)

(address of court office)

SI LE PRÉSENT AVIS DE REQUÊTE CONTIENT UNE DEMANDE D'ORDONNANCE ALIMENTAIRE OU PARENTALE, VOUS DEVREZ, DANS LES 20 JOURS QUI SUIVENT SA SIGNIFICATION, SIGNIFIER AU REQUÉRANT VOTRE ÉTAT FINANCIER EN LA FORME PRESCRITE PAR LES RÈGLES DE PROCÉDURE AINSI QUE TOUS RENSEIGNEMENTS SUR LE REVENU REQUIS EN VERTU DES RÈGLEMENTS CONCERNANT LES ORDONNANCES ALIMENTAIRES AU PROFIT D'UN ENFANT ÉTABLIS EN VERTU DE LA LOI SUR LE DROIT DE LA FAMILLE, QUE VOUS AYEZ OU NON L'INTENTION DE CONTESTER LA REQUÊTE.

SI LE PRÉSENT AVIS DE REQUÊTE CONTIENT UNE DEMANDE EN APPLICATION DE LA LOI SUR LES BIENS MATRIMONIAUX, VOUS DEVREZ SIGNIFIER VOTRE DOCUMENT DE DÉFENSE ACCOMPAGNÉ D'UNE DÉCLARATION RELATIVE AUX BIENS ET AUX DETTES OU UNE DÉCLARATION D'APPORT À L'ÉGARD DES BIENS EN LA FORME PRESCRITE PAR LES RÈGLES DE PROCÉDURE, QUE VOUS AYEZ OU NON L'INTENTION DE CONTESTER LA REQUÊTE.

Sachez que :

- (a) dans la présente instance, vous avez le droit d'émettre des documents et de présenter votre preuve en français, en anglais ou dans les deux langues;
- (b) le requérant a l'intention d'utiliser la langue _____;
- (c) si vous avez l'intention d'utiliser l'autre langue officielle ou de présenter votre preuve dans cette autre langue, les services d'un interprète pourront être requis et vous devrez en aviser l'administrateur au moins 7 jours avant l'audience.

CET AVIS est signé et scellé au nom de la Cour du Banc de la Reine par _____, administrateur de la cour à _____, ce _____ 20 ____.

(administrateur)

Sceau de la Cour

(adresse du secrétariat de la cour)

3. Say whether you will use English or French at the court hearing.

4. Leave this section blank. The court staff will fill it in after you submit the form.

On the hearing of this application, the applicant intends to apply for an order that *(state precisely the relief being sought)*.⁵

See attached **6a**

Set out in separate, numbered paragraphs the following:⁶

1. The capacity of all persons who are parties to the proceeding.

See attached **6b**

2. The place of residence of the applicant
The Applicant and the Respondent both reside in the town of Hometown, County of York, Province of New Brunswick.

3. A list of the affidavits or other documentary evidence intended to be used on the hearing of the application.

See attached **6c**

4. Particulars of previous proceedings with respect to the application, or any other court proceedings involving one or both parties to the proceeding or any of the children *(include any criminal or child protection cases or orders, and any restraining orders or applications)*.
*There have been no previous court proceedings about this claim.*⁷
5. Particulars of any oral or written agreements with respect to the application.
*There have been no oral or written agreements that relate to this claim.*⁸

À l'audition de la requête, le requérant entend demander qu'une ordonnance soit rendue relativement à *(préciser les mesures de redressement sollicitées)*.

Énoncer les éléments suivants dans des paragraphes numérotés et distincts:

1. La qualité de toutes les personnes qui sont parties à l'instance.
2. Le lieu de résidence du requérant.
3. Une liste des affidavits ou des autres preuves littérales pouvant être utilisés à l'audition de la requête.
4. Des précisions sur toute instance antérieure portant sur le même objet ou toute autre instance impliquant un ou les deux parties à cette instance ou les enfants *(inclure toute affaire ou ordonnance pénale ou de protection de l'enfance et toute ordonnance ou demande d'interdiction)*.
5. Des précisions sur toutes ententes verbales ou écrites conclues relativement à cette demande.

5. Write down exactly what court order you are asking the court to make. If there isn't room, you can write it out on a separate page and attach it to the form.

6. You must include all the details listed here; if there isn't room on the form, you can also include them on a separate page.

7. Write down if there have already been any court proceedings about the same subject. For example, a parenting order or child support order.

8. Say whether you and the other parent have any written or spoken agreements about the same subject. For example, an agreement for parenting time or child support.

Example 6. Notice of Application (Form 73AA) PAGE 4

9. Sign this section to declare that you understand your duties under section 5 of the *Family Law Act*. See section 18 on page 52 for an overview.

10. The place and date you signed the form.

11. Your signature.

12. Your name, printed clearly.

13. Your full mailing address and contact information.

14. If you do not have a lawyer, cross out this section.

DECLARATION OF APPLICANT⁹

I certify that I am aware of my duties under section 5 of the *Family Law Act*.

DATED at **Smalltown**, this **24** day of **August**, 2025.¹⁰

Jane Mary Doe¹¹
(signature of applicant)

Name of applicant: **Jane Mary Doe¹²**

Address for service within New Brunswick:
456 Main Street, Hometown, NB E3A 1Z1,
JDoe@email.com¹³

SOLICITOR'S CERTIFICATE¹⁴

My name is _____
and I am the applicant's lawyer in this court proceeding.
I certify that I have complied with the requirements of
section 6 of the *Family Law Act*.
DATED at _____ this ____ day of _____,
20__ .

Name of firm (if applicable):

Business address:

*NOTE: This Application shall be accompanied by a
Financial Statement, if required.*

DÉCLARATION DU REQUÉRANT

J'atteste que je suis conscient des obligations qui me sont imposées en application de l'article 5 de la *Loi sur le droit de la famille*.

FAIT à _____, le ____ 20__.

(signature du requérant)

Nom du requérant :

Adresse aux fins de signification au Nouveau-Brunswick :

ATTESTATION DE L'AVOCAT

Je m'appelle _____,
et je suis l'avocat du requérant dans cette instance.
J'atteste m'être conformé aux exigences prévues à
l'article 6 de la *Loi sur le droit de la famille*.

6a

Relief sought¹⁵

1. A parenting order granting the majority of parenting time and sole-decision making responsibilities for Kimberly Ann Smith, born March 15 2020, and David Scott Smith, born January 23 2023, to Jane Mary Doe, the Applicant under subsection 52(2) of the *Family Law Act*.
2. John Richard Smith, the Respondent, pay support for the children Kimberly Ann Smith and David Scott Smith, under sections 10, 12 and subsection 11(1) of the *Family Law Act*; and
 - All support payments be indexed to the Cost-of-Living index;
 - Those payments be made payable retroactively from a date deemed appropriate by the Court under paragraph 21(2)(i) of the *Family Law Act*,
 - Enforcement of Child Support payments to be done by the Office of Support Enforcement.
3. John Richard Smith, the Respondent, be required to continue all dental and health insurance plans to which he may be entitled to through his employer for the benefit of his wife, Jane Mary Doe, and for the benefit of their children, Kimberly Ann Smith and David Scott Smith.
4. Costs, and
5. Any other order that the Court considers just.

6b

1. The capacity of all persons who are parties to the proceeding.¹⁶
The Applicant, Jane Mary Doe is the spouse of John Richard Smith, the Respondent, of New Brunswick, having been married on June 11, 2019 in Smalltown, New Brunswick. They have 2 children, Kimberly Ann Smith, born March 15 2020, and David Scott Smith, born January 23, 2023. The Applicant and the Respondent separated on February 23 2024.

6c

3. The following affidavits and other documentary evidence will be presented:¹⁷
 - a. The Affidavit of Jane Mary Doe, Applicant; and
 - b. Financial statement (72J) of Jane Mary Doe, Applicant; and
 - c. Income information of Jane Mary Doe, Applicant.

15. Write down exactly what you want the court to order. Cite the laws that allow the court to make the kind of order you want. For example, the *Family Law Act*, the *Divorce Act*, and the Federal Child Support Guidelines all have rules that are often relevant to these kinds of applications.

16. "Capacity" in this context means saying who you are and explaining your relationship to the application. For example, if the application is for parenting, explain whether you are the children's parent, step-parent, grandparent, etc.

17. Write down the documents you will use for the court hearing.

Example 7. Notice of Application (Form 73A)

Court File Number **FDf-00-0000**¹

IN THE COURT OF KING'S BENCH OF NEW BRUNSWICK
FAMILY DIVISION JUDICIAL DISTRICT OF **FREDERICTON**

BETWEEN:

Jane Mary Doe APPLICANT

- and -

John Richard Smith RESPONDENT

NOTICE OF APPLICATION (FORM 73A)

TO: **John Richard Smith**²

LEGAL PROCEEDINGS HAVE BEEN COMMENCED BY
FILING THIS NOTICE OF APPLICATION.

The applicant will apply to the court at _____
(*specific location*) _____, on the day of ____, 20 __, at
_____ a.m. (or p.m.) _____ for an order as set out
hereunder.³

IF YOU DO NOT APPEAR AT THE HEARING

- (a) an order which may affect you may be made in your absence, or
- (b) if the court is satisfied that your attendance is necessary for a just determination of the application, a warrant may be issued directing a peace officer to apprehend you and bring you before the court.

If you wish to oppose this application you must appear at the hearing of the application at the place, date and time stated either in person or by a New Brunswick lawyer acting on your behalf.

If you wish to present affidavit or other documentary evidence to support your position, you must file a copy of such evidence in this court office not more than 20 days after being served with this Notice of Application.

N° du dossier

COUR DU BANC DU ROI DU NOUVEAU-BRUNSWICK
DIVISION DE LA FAMILLE CIRCONSCRIPTION
JUDICIAIRE DE

ENTRE :

REQUÉRANT

- et -

INTIMÉ

AVIS DE REQUÊTE (FORMULE 73A)

DESTINATAIRE :

PAR LE DÉPÔT DU PRÉSENT AVIS DE REQUÊTE, UNE
POURSUITE JUDICIAIRE A ÉTÉ ENGAGÉE CONTRE
VOUS.

Le requérant demandera à la cour à (*lieu précis*)
_____, le ____, 20 __, à ____ h, en vue
d'obtenir l'ordonnance décrite ci-dessous.

SI VOUS NE COMPARAISSEZ PAS À L'AUDIENCE

- (a) une ordonnance vous concernant pourra être rendue en votre absence ou
- b) si la cour estime que votre comparution est nécessaire à la solution équitable de la requête, elle pourra émettre un mandat prescrivant à un agent de la paix de vous arrêter et de vous amener devant elle.

Si vous désirez contester cette requête, vous devrez comparaître à l'audition de la requête aux lieux, date et heure indiqués, soit en personne, soit par l'intermédiaire d'un avocat du Nouveau-Brunswick chargé de vous représenter.

Si vous désirez présenter un affidavit ou quelque autre preuve littérale à l'appui de votre cause, vous devrez en déposer copie au secrétariat de cette cour dans les 20 jours qui suivent la signification de l'avis de requête.

1. Always include the full style of proceeding and court file number at the top of court documents. See example 1 for a style of proceeding.

2. The Respondent's name.

3. Leave this section blank. The court staff will fill it in after you submit the form. They will write the date of the court hearing here before they return it to you.

IF THIS NOTICE OF APPLICATION CONTAINS A CLAIM FOR SUPPORT OR A PARENTING ORDER, YOU MUST, NOT MORE THAN 20 DAYS AFTER BEING SERVED WITH THIS NOTICE OF APPLICATION, FILE IN THIS COURT OFFICE YOUR FINANCIAL STATEMENT IN THE FORM PRESCRIBED BY THE RULES OF COURT AND ANY INCOME INFORMATION REQUIRED BY THE REGULATIONS RESPECTING ORDERS FOR CHILD SUPPORT UNDER THE *FAMILY LAW ACT*, WHETHER OR NOT YOU WISH TO OPPOSE THE APPLICATION.

You are advised that:

- (a) you are entitled to issue documents and present evidence in the proceeding in English or French or both;
- (b) the petitioner intends to proceed in the **English**⁴ language; and
- (c) if you intend to proceed in or present evidence in the other official language, an interpreter may be required and you must so advise the administrator at least 7 days before the hearing.

THIS NOTICE is signed and sealed for the Court of King's Bench by _____, Administrator of the Court at _____, on the ____ day of _____, 20__.⁵

(administrateur)

Court Seal

On the hearing of this application, the applicant intends to apply for an order that (*state precisely the relief being sought*)⁶

See attached **7a**

SI LE PRÉSENT AVIS DE REQUÊTE CONTIENT UNE DEMANDE D'ORDONNANCE ALIMENTAIRE OU PARENTALE, VOUS DEVREZ, DANS LES 20 JOURS QUI SUIVENT SA SIGNIFICATION, DÉPOSER AU SECRÉTARIAT DE CETTE COUR UN ÉTAT FINANCIER EN LA FORME PRESCRITE PAR LES RÈGLES DE PROCÉDURE AINSI QUE TOUS RENSEIGNEMENTS SUR LE REVENU REQUIS EN VERTU DES RÈGLEMENTS CONCERNANT LES ORDONNANCES ALIMENTAIRES AU PROFIT D'UN ENFANT ÉTABLI EN VERTU DE *LA LOI SUR LE DROIT DE LA FAMILLE*, QUE VOUS AYEZ OU NON L'INTENTION DE CONTESTER LA REQUÊTE.

Sachez que :

- (a) dans la présente instance, vous avez le droit d'émettre des documents et de présenter votre preuve en français, en anglais ou dans les deux langues;
- (b) le requérant a l'intention d'utiliser la langue _____; et
- (c) si vous avez l'intention d'utiliser l'autre langue officielle ou de présenter votre preuve dans cette autre langue, les services d'un interprète pourront être requis et vous devrez en aviser l'administrateur au moins 7 jours avant l'audience.

CET AVIS est signé et scellé au nom de la Cour du Banc du Roi par administrateur de la cour à _____ ce _____ 20__.

(administrateur)

Sceau de la Cour

À l'audition de la requête, le requérant entend demander qu'une ordonnance soit rendue relativement à (*préciser les mesures de redressement sollicitées*)

4. Say whether you will use English or French at the court hearing.

5. Leave this section blank. The court staff will fill it in after you submit the form.

6. Write down exactly what you would like the court to order. If there isn't room, you can write it out on a separate page and attach it to the form.

Example 7. Notice of Application (Form 73A) Page 3

7. You must include all the details listed here; if there isn't room on the form, you can also include them on a separate page.

Set out in separate, numbered paragraphs the following:⁷

1. The capacity of all persons who are parties to the proceeding.

See attached **7b**

2. The place of residence of the applicant.
The Applicant and Respondent both reside in the town of Hometown, in the County of York, Province of New Brunswick.

3. A list of the affidavits or other documentary evidence intended to be used on the hearing of the claim.

See attached **7c**

4. Particulars of previous proceedings with respect to the application, or any other court proceedings involving one or both parties to the proceeding or any of the children (*include any criminal or child protection cases or orders, and any restraining orders or applications*).

*There have been no previous court proceedings about this claim.*⁸

5. Particulars of any oral or written agreements with respect to the claim.

*There have been no oral or written arguments that relate to this claim.*⁹

8. Write down if there have already been any court proceedings about the same subject. For example, a parenting order or child support order.

9. Write down if you and the other parent have any written or spoken agreements about the same subject. For example, an agreement for parenting time or child support.

Énoncer les éléments suivants dans des paragraphes numérotés et distincts:

1. La qualité de toutes les personnes qui sont parties à l'instance.
2. Le lieu de résidence du requérant.
3. Une liste des affidavits ou des autres preuves littérales pouvant être utilisés à l'audition de la requête.
4. Des précisions sur toute instance antérieure portant sur le même objet ou toute autre instance impliquant un ou les deux parties à cette instance ou les enfants (*inclure toute affaire ou ordonnance pénale ou de protection de l'enfance et toute ordonnance ou demande d'interdiction*).
5. Des précisions sur toutes ententes verbales ou écrites conclues relativement à cette demande.

DECLARATION OF APPLICANT¹⁰

I certify that I am aware of my duties under section 5 of the *Family Law Act*.

DATED at Fredericton, this 24th day of August, 2025.¹¹

*Jane Mary Doe*¹²
(signature of applicant)

Name of applicant: Jane Mary Doe¹³

Address for service within New Brunswick: 456 Main Street, Hometown, NB E3A 1Z1 Jdoe@email.com¹⁴

SOLICITOR'S CERTIFICATE¹⁵

My name is _____ and I am the applicant's lawyer in this court proceeding. I certify that I have complied with the requirements of section 6 of the *Family Law Act*.

DATED at _____ this _____ day of _____, 20__.

Name of firm (if applicable):

Business address:

NOTE: This Application shall be accompanied by a Financial Statement, if required.

DÉCLARATION DU REQUÉRANT

J'atteste que je suis conscient des obligations qui me sont imposées en application de l'article 5 de la *Loi sur le droit de la famille*.

FAIT à _____, le _____ 20__.

(signature du requérant)

Nom du requérant :

Adresse aux fins de signification au Nouveau-Brunswick :

ATTESTATION DE L'AVOCAT

Je m'appelle _____ et je suis l'avocat du requérant dans cette instance. J'atteste m'être conformé aux exigences prévues à l'article 6 de la *Loi sur le droit de la famille*.

FAIT à _____ le _____ 20__.

Raison sociale (s'il y a lieu) :

Adresse professionnelle :

REM. : Cette requête doit, dans certains cas, être accompagnée d'un état financier.

10. Sign this section to declare that you understand your duties under section 5 of the *Family Law Act*. See section 18 on page 52 for an overview.

11. The place and date you signed this form.

12. Your signature.

13. Your name, printed clearly.

14. Your full mailing address and contact information.

15. If you do not have a lawyer, cross out this section.

16. Write down exactly what you want the court to order. Cite the laws that allow the court to make the kind of order you want. For example, the *Family Law Act*, the *Divorce Act*, and the Federal Child Support Guidelines all have rules that are often relevant to these kinds of applications.

16. "Capacity" in this context means saying who you are and explaining your relationship to the application. For example, if the application is for parenting, explain whether you are the children's parent, step-parent, grandparent, etc.

18. Write the documents you will use for the court hearing.

7a

Relief sought:¹⁶

1. John Smith, the Respondent, pay support for the children of the marriage, Kimberly Smith and David Smith, as per Sections 10, 12 and 11(1) of the *Family Law Act*, and according to the Child Support Guidelines; and
 - These payments be made payable retroactively from a date deemed appropriate by the court under paragraph 21(2) (i) of the *Family Law Act*, and
 - Enforcement of child support payments be done by the Office of Support Enforcement
2. John Smith, the Respondent, be required to continue all dental and health insurance plans to which he may be entitled to through his employer for the benefit of his children, Kimberly Smith and David Smith.
3. Costs, and
4. Any other order the Court considers just.

7b

Capacity:¹⁷

The Applicant, Jane Mary Doe, is the spouse of John Richard Smith of New Brunswick, having been married on June 11, 2019 in Smalltown, New Brunswick. There are two children of the marriage, Kimberly Ann Smith born March 15, 2020, and David Scott Smith, born January 23, 2023. The Applicant and Respondent separated on February 23, 2024.

7c

The following affidavits and other documentary evidence will be presented:¹⁸

- a. Affidavit of Jane Mary Doe, Applicant, and
- b. Financial Statement (72J) of Jane Mary Doe, Applicant, and
- c. Income information of Jane Mary Doe, Applicant.

Example 8. Notice of Motion (Form 37A)

Court File Number **FD-00-0000**¹

IN THE COURT OF KING'S BENCH OF NEW BRUNSWICK
FAMILY DIVISION JUDICIAL DISTRICT OF **FREDERICTON**

BETWEEN:

Jane Mary Doe APPLICANT

- and -

John Richard Smith RESPONDENT

NOTICE OF APPLICATION (FORM 37A)

TO: **John Richard Smith, 124 Daisy Lane, Smalltown, NB
A18 3C4, jsmith@email.com**²

The plaintiff will apply to the court at _____,³
on the ___ day of _____ 20___, at _____ for an order
that: *(state the precise order sought and the grounds to be
argued, including a reference to any statutory provision or
rule to be relied on);*⁴

See attached **8a**

Upon the hearing of the motion the following Affidavits
or other documentary evidence will be presented: (list
the documentary evidence to be used at the hearing of
the motion).⁵

See attached **8b**

N° du dossier

COUR DU BANC DU ROI DU NOUVEAU-BRUNSWICK
DIVISION DE LA FAMILLE CIRCONSCRIPTION
JUDICIAIRE DE _____

ENTRE :

REQUÉRANT

- et -

INTIMÉ

AVIS DE REQUÊTE (FORMULE 37A)

DESTINATAIRE :

Le demandeur demandera à la cour à _____,
le _____, 20___, à _____ h, d'ordonner
(indiquer l'ordonnance demandée, les motifs à
discuter et les renvois aux dispositions législatives
ou règles qui seront invoquées); signification de
l'avis de requête.

A l'audition de la motion, les affidavits ou les autres
preuves littérales suivantes seront présentées:
(énumérer les preuves littérales qui seront utilisées
lors de l'audition de la requête).

1. Always include the court file number and the full style of proceeding at the top of court documents. See example 1 for a style of proceeding.

2. Include the Respondent's name and contact information here.

3. Leave this field blank. The court staff will fill it out after you submit it to the court. They will write the date of the court hearing here.

4. Explain what you want the court to order. If you don't have enough room, you can write this on a separate page and attach it to the form.

5. List the documents you will use as evidence at the court hearing. If there isn't enough room, you can also list this on a separate page and attach it to the form.

Example 8. Notice of Motion (Form 37A) page 2

You are advised that:

- (a) you are entitled to issue documents and present evidence at the hearing in English or French or both;
- (b) the plaintiff (or as may be) intends to proceed in the English⁶ language; and
- (c) if you intend to proceed in the other official language, an interpreter may be required and you must so advise the clerk at least 7 days before the hearing.

Sachez que :

- (a) vous avez le droit d'émettre documents et de présenter votre preuve à l'audience en _____, en anglais ou dans les deux langues;
- (b) le demandeur (ou selon le cas) a l'intention d'utiliser la langue français ; et
- (c) si vous avez l'intention d'utiliser l'autre langue officielle, les services d'un interprète pourront être requis et vous vous devrez en aviser le greffier au moins 7 jours avant l'audience.

DECLARATION OF APPLICANT

DATED at Fredericton, this 24th day of August, 2025.⁷

*Jane Mary Doe*⁸
(signature of applicant)

Name of applicant: Jane Mary Doe⁹

Address for service within New Brunswick: 456 Main Street, Hometown, NB E3A 1Z1 jdoe@email.com¹⁰

DÉCLARATION DU REQUÉRANT

FAIT à _____, le _____ 20__.

(signature du requérant)

Nom du requérant :

Adresse aux fins de signification au Nouveau-Brunswick :

6. Say whether you will use English or French at the hearing.

7. Put the place and date you signed the form.

8. Your signature.

9. Your name, printed clearly.

10. Your full mailing address and contact information.

8a

Order sought:¹¹

1. An interim parenting order granting the majority of parenting time and sole-decision making responsibility of Kimberly Ann Smith, born March 15 2020, and David Scott Smith, born January 23 2023, to Jane Mary Doe, the Applicant, under subsection 52(3) of the *Family Law Act*.
2. An interim order that John Richard Smith, the Respondent, have parenting time with the children Kimberly Ann Smith and David Scott Smith on a biweekly schedule every second weekend as well as overnights every Tuesday, under sections , 52(4), and 53(1) of the *Family Law Act*.
3. John Richard Smith, the Respondent, pay support for the children Kimberly Ann Smith and David Scott Smith, under sections 10, 12 and subsection 11(1) of the *Family Law Act* and
 - a. All support payments be index to the Cost-of-Living index,
 - b. These payments be made retroactively from a date deemed appropriate by the Court under paragraph 21(2)(1) of the *Family Law Act*, and
 - c. Enforcement of Child Support Payments be done by the Office of Support Enforcement
4. John Richard Smith, the Respondent, be required to continue all dental and health insurance plans to which he may be entitled to through his employer for the benefit of his wife, Jane Mary Doe, and for the benefit of their children, Kimberly Ann Smith and David Scott Smith.
5. Costs, and
6. Any other order the Court considers just.

11. This is where you can explain exactly what you want the court to order. Cite the laws that allow the court to make the kind of order you want. For example, the *Family Law Act*, the *Divorce Act*, and the Federal Child Support Guidelines all have rules that are often relevant to these kinds of applications.

8b

The following affidavits and other documentary evidence will be presented:¹²

1. The affidavit of Jane Mary Doe, Applicant
2. Financial Statement (72J) of Jane Mary Doe, Applicant; and
3. Income Information of Jane Mary Doe, Applicant

12. This is where you can list the documents you will use at the court hearing.

Example 9. Notice of Motion (Form 72U)

1. Use form 72U if:
- you are requesting an Interim Parenting Order that includes a request for child support, or
- you already have an order for child support and you are applying to change (vary) it.

2. Always include the court file number and the full style of proceeding at the top of court documents. See example 1 for a style of proceeding.

3. Put the other parent's name and contact information here.

4. Leave this field blank. The court staff will fill it out after you submit it to the court. They will write the date of the court hearing here.

5. Describe the kind of order you are asking for. If you are applying for an Interim Child Support Order with a divorce, check the first box. If you are applying to vary an existing Child Support Order, check the second box.

6. List the full names, ages, and dates of birth of all children included in your request for child support.

Court File Number **FDf-00-0000**¹

IN THE COURT OF KING'S BENCH OF NEW BRUNSWICK
FAMILY DIVISION JUDICIAL DISTRICT OF **Fredericton**

BETWEEN:²

Jane Mary Doe APPLICANT

- and -

John Richard Smith RESPONDENT

**NOTICE OF MOTION
(FORM 72U)**

TO: **John Richard Smith, 123 Daisy Lane, Smalltown
NB A1B 3C4, jsmith@email.com**³

The applicant will apply to the court at (*specific location*) _____, on the day of _____, 20__ at _____ a.m. (or p.m.) for the following order (*state the grounds to be argued, including a reference to any statutory provision or rule to be relied on*):⁴

(Please check appropriate box or boxes.)⁵

1. Child support for the following children:

- interim order *or*
- variation (*or rescission or suspension*) of attached order

Name of child	Age	Date of birth
Kimberly Ann Smith	5 years	March 15 2020 ⁶
David Scott Smith	2 years	January 23 2023

N° du dossier

COUR DU BANC DU ROI DU NOUVEAU-BRUNSWICK
DIVISION DE LA FAMILLE CIRCONSCRIPTION
JUDICIAIRE DE

ENTRE :

REQUÉRANT

- et -

INTIMÉ

**AVIS DE MOTION
(FORMULE 72U)**

À :

Le requérant demandera à la cour à (*lieu précis*) _____, le _____, 20__ , à _____ h, l'ordonnance qui suit (*Indiquer les motifs à discuter, y compris les renvois à toute disposition législative ou à toute règle invoquée*) :

(Veuillez cocher la ou les cases appropriées.)

1. Ordonnance alimentaire au profit des enfants suivants :

- ordonnance provisoire *ou*
- modification (*ou abrogation ou suspension*) de l'ordonnance annexée

Nom de l'enfant	Âge	Date de naissance
Kimberly Ann Smith	5 years	March 15 2020 ⁶
David Scott Smith	2 years	January 23 2023

Example 9. Notice of Motion (Form 72U) PAGE 2

(If claiming special expenses, please specify nature and amount, where possible, of the expense(s) claimed and name of child(ren) for which expense(s) is (are) claimed.)

Nature of expense ⁷	Amount claimed	Name of child
Child care	\$765/month	Kimberly Ann Smith David Scott Smith

(State the grounds to be argued including a reference to any statutory provision or rule to be relied on. If claiming an amount that is different from the table amount and is not a special expense, please specify the amount. Please attach affidavit specifying the reasons upon which you are relying for departure from the table amount.)⁸

See attached **9a**

Particulars of Previous Order:⁹

Date of previous order: **September 15, 2025**

Amount paid under previous order: **\$580**

2. Parenting order with respect to the following children:¹⁰

- interim order or
- variation (or rescission or suspension) of attached order

Previous parenting arrangements:

Date of previous order:

(Si vous demandez des dépenses spéciales, veuillez en préciser, si possible, la nature et le montant et le nom de l'enfant pour qui ces dépenses sont sollicitées.)

Nature des dépenses	Montant sollicité	Nom de l'enfant
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(Indiquer les motifs à discuter, y compris les renvois à toute disposition législative ou à toute règle invoquée. Si vous demandez un montant qui diffère du montant figurant à la table, et qui n'est pas une dépense spéciale, veuillez en préciser le montant. Veuillez joindre un affidavit indiquant les raisons sur lesquelles vous appuyez pour demander un montant autre que celui qui apparaît à la table.)

Précisions sur l'ordonnance antérieure :

Date de l'ordonnance antérieure :

Montant payé en vertu de l'ordonnance antérieure :

2. Ordonnance parentale à l'égard des enfants suivants :

- ordonnance provisoire ou
- modification (ou abrogation ou suspension) de l'ordonnance annexée

Ententes parentales antérieures :

Date de l'ordonnance antérieure :

7. If you are claiming special expenses, list them here with exact amounts. For information about special expenses, see section 7 of the Federal Child Support Guidelines, and step 7 of [The Federal Child Support Guidelines: Step-by-Step](#).

8. Explain what order you are asking the court to make. If there isn't enough room, you can write this on a separate page and attach it to the form.

9. Include the date the previous order was made, if there is one. Also include how much child support was ordered under the previous order.

10. Fill in this section if this motion also includes a request for an interim or varied parenting order. If not, cross it out.

Example 9. Notice of Motion (Form 72U) PAGE 3

11. Fill out this section if you are asking for any other order that hasn't already been mentioned in this form.

12. List the documents you will use as evidence at the hearing. If there isn't enough room, you can write this on a separate page and attach it to the form.

13. Indicate whether you will use English or French at the hearing.

14. If you and the other parent have been involved in other court proceedings, list the details here. If not, cross it out.

3. Other claim (*Please specify. State the relief sought and the grounds to be argued, including a reference to any statutory provision to be relied on.*)¹¹

N/A

Upon the hearing of the motion, the following affidavits or other documentary evidence will be presented: (*list the documentary evidence to be used at the hearing of the motion*)¹²

See attached **9b**

You are advised that:

- (a) you are entitled to issue documents and present evidence at the hearing in English or French or both;
- (b) the applicant intends to proceed in the English¹³ language; and
- (c) if you intend to proceed in the other official language, an interpreter may be required and you must so advise the court administrator at least 7 days before the hearing.

4. If you are applying for a parenting order or an order for child support or spousal support, you will need to tell the court about:

- any criminal or child protection cases or orders that involve you or the other party, or
- any restraining or protection orders or applications against one of you.

The judge will use this information to help ensure that any orders in this proceeding do not conflict with other orders or proceedings.¹⁴

The following are all other court proceedings involving one or both parties to the proceeding or any of the children: (*Give the name of the court, the court file number, the kind of order the court was asked to make and what order, if any, the court made. If the proceeding is not yet completed, give its current status.*)

3. Autre demande (*Veillez préciser. Indiquez les mesures de redressement sollicitées et les motifs à discuter, y compris les renvois à toute disposition législative invoquée.*)

À l'audition de la motion, les affidavits ou les autres preuves littérales suivants seront présentés : (*énumérez les preuves littérales qui seront utilisées lors de l'audition de la motion*)

Sachez que :

- (a) vous avez le droit dans la présente audition, d'émettre des documents et de présenter votre preuve en français, en anglais ou dans les deux langues;
- (b) le requérant a l'intention d'utiliser la langue _____; et
- (c) si vous avez l'intention d'utiliser l'autre langue officielle, les services d'un interprète pourront être requis et vous devrez en aviser l'administrateur de la cour au moins 7 jours avant l'audition.

4. Si vous demandez une ordonnance parentale ou une ordonnance alimentaire au profit d'un enfant ou d'un époux, vous devrez mentionner à la cour les éléments suivants :

- toute affaire ou ordonnance pénale ou de protection de l'enfance qui vous vise, ou qui vise l'autre partie;
- toute ordonnance ou demande d'interdiction ou de protection contre l'un ou l'autre d'entre vous.

Le juge utilisera ces renseignements pour s'assurer que toute ordonnance rendue en vertu de cette instance n'est pas en conflit avec d'autres ordonnances ou instances.

Toutes les instances judiciaires impliquant une ou les deux parties à cette instance ou tout enfant sont les suivants : (*Donnez le nom de la cour, le numéro du dossier, le genre d'ordonnance demandée et l'ordonnance rendue par la cour, s'il y a lieu. Si l'instance n'a pas été menée à conclusion, dites à quelle étape elle se trouve.*)

DECLARATION OF APPLICANT

- 5. [x] I have read and understand this Notice of Motion. The statements of which I have personal knowledge are true, and those of which I do not have personal knowledge I believe to be true.15
[x] I certify that I am aware of my duties under sections 7.1 to 7.5 of the Divorce Act.16

DATED at Fredericton, this 10th day of July, 2026.17

Jane M Doe18
signature of applicant

Mary L Smith, Applicant19

STATEMENT OF SOLICITOR20

6. (Where applicant has retained a solicitor) I _____, solicitor for the applicant, certify that I have complied with the requirements of section 7.7 of the Divorce Act.

(Where in the circumstances it would clearly not be appropriate to discuss the matters in subsection 7.7(1) with the applicant, set out the circumstances.)

DATED at _____, this _____ day of _____, 20__.

signature of solicitor

DÉCLARATION DU REQUÉRANT

- 5. [] J'ai lu l'avis de motion et j'en comprends le sens. Les faits qui y sont énoncés et dont j'ai une connaissance personnelle sont vrais et je crois être vrais ceux dont je n'ai pas de connaissance personnelle.
[] J'atteste que je suis conscient des obligations qui me sont imposées en application des articles 7.1 à 7.5 de la Loi sur le divorce.

FAIT à _____ le _____ 20__.

signature du requérant

DÉCLARATION DE L'AVOCAT

6. (Si le requérant a retenu les services d'un avocat) JE SOUSSIGNÉ _____, avocat du requérant, atteste m'être conformé aux exigences prévues à l'article 7.7 de la Loi sur le divorce.

(Si les circonstances en l'espèce sont telles qu'il serait inapproprié de discuter des questions visées au paragraphe 7.7(1) avec le requérant, indiquez ces circonstances.)

FAIT à le _____ 20__.

signature de l'avocat

15. Check this box to say that you have read and understood this form, and that the information you provided is true.

16. Check this box to say that you understand your duties under sections 7.1 to 7.5 of the Divorce Act. See section 18 on page 48 for an overview.

17. Write where and when you signed the form.

18. Your signature.

19. Your name, printed clearly. Indicate whether you are the Applicant.

20. If you are being represented by a lawyer, they should fill out this section. If you do not have a lawyer, cross out this section.

21. This is where you can explain exactly what you want the court to order. Cite the laws that allow the court to make the kind of order you want. For example, the *Family Law Act*, the *Divorce Act*, and the Federal Child Support Guidelines all have rules that are often relevant to these kinds of applications.

9a

Order sought: ²¹

1. An order varying the order dated September 15, 2025, under S. 22 (1) of the *Family Law Act*.
2. That the respondent, John Richard Smith, pay support for the children Kimberly Ann Smith and David Scott Smith under sections 10, 12 and subsection 11(1) of the *Family Law Act* according to his new income, and
 - a. These payments be made payable retroactively to the date of his increased salary, under S.21(2)(i) of the *Family Law Act*, and
 - b. The support payments be enforced by the Office of Support Enforcement
3. John Richard Smith the Respondent, be required to continue all dental and health insurance plans to which he may be entitled to through his employer for the benefit of his children, Kimberly Ann Smith and David Scott Smith.
4. John Richard Smith, the Respondent, be required to contribute to special expenses (childcare) at a rate proportional to our incomes under S.7 of the Federal Child Support Guidelines.
5. Costs and
6. Any other order the court considers just.

22. This is where you can list the documents you will use at the court hearing.

9b

The following affidavits and documentary evidence will be presented: ²²

1. Affidavit of Jane Mary Doe, Applicant.
2. Financial Statement (72J) of Jane Mary Doe, Applicant;
3. Income information of Jane Mary Doe, Applicant

Example 10. Affidavit

Court File Number [FDF-00-0000](#)

In The Court of King's Bench of New Brunswick
Family Division
Judicial District of [Fredericton](#)

Between:¹

[Jane Mary Doe](#)

Applicant

- and -

[John Richard Smith](#)

Respondent

AFFIDAVIT²

I, [Jane Mary Doe](#) of [Hometown](#), in the County of [York](#)³ and Province of New Brunswick, make oath and say that:³

1. I am the applicant in the Notice of Motion dated the [10th](#) day of [July, 2026](#)⁴ and the Applicant named in the Notice of Application dated the [8th](#) day of [June, 2025](#).
2. [John Richard Smith](#) is the Respondent in the Notice of Motion dated the [10th](#) day of [July, 2026](#) and the Respondent named in the Notice of Application dated the [8th](#) day of [June, 2025](#).
3. The respondent resides at [789 Queen Street](#) in the town of [Hometown](#) in the province of New Brunswick. I know this address, as it is where I contact the Respondent to discuss matters relating to the children.
4. The Respondent [John Richard Smith](#) and I were married on [June 11, 2019](#).
5. The Respondent moved out of the marital home on [February 23, 2024](#) when we separated.
6. The Respondent and I have [two children, Kimberly Ann Smith and David Scott Smith](#).
7. Our daughter [Kimberly Ann Smith](#) was born on [March 15, 2020](#) and she is now [5](#) years old.
8. Our son [David Scott Smith](#) was born on [January 23, 2023](#) and he is now [2](#) years old.
9. The children live with me at [456 Main Street](#) in the town of [Hometown](#) in the province of New Brunswick.
10. The children spend every [second weekend](#) with the Respondent, and every [Tuesday night](#).

This is not a form. You must prepare the affidavit yourself.

This example affidavit goes with the request being made in form 72U. However, you might need to file an affidavit for many reasons, including other Notice of Motion forms like 37A. Make sure the information in your Affidavit is accurate, and that it relates to the order you are asking the court for.

In the Affidavit, you explain why you are asking for the order, and why the court should give it to you. The Affidavit should focus on facts.

1. Always include the full style of proceeding at the top of court documents. See example 1 for a style of proceeding.

2. See section 3.3 for information on what to include in an Affidavit.

3. In this first line, include your name, the place you live, and the county it is in.

4. Include the date (day, month, and year) when you signed the Notice of Application and/or Notice of Motion.

Example 10. Affidavit PAGE 2

5. Include information that will help the court make a decision. For example, income information the court needs to calculate child support.

6. Leave the place and date blank. The Commissioner of Oaths will fill this in when they sign, after witnessing your signature.

7. You will sign here when you bring the affidavit to a Commissioner of Oaths.

11. The Respondent's yearly income when we separated was \$40,000.
12. I have been informed by Michael Kramer, contractor, of 231 Pleasant Lane in the city of Smalltown in county of York and Province of New Brunswick that he has employed⁵ the Respondent as an accountant since October 13, 2025 at a yearly salary of \$52,000, and I believe the information of Mr. Kramer.
13. I work full time at Quick Stop. I work from 8am to 4pm from Monday to Friday. My annual salary is \$32,000.
14. The Respondent and I have been unable to reach an agreement to change the amount of child support.
15. I confirm that all of the information in the Notice of Motion is correct. I read the Notice of Application when I signed it and I have just reread it. I confirm that all of the information in the Notice of Application is correct.

AFFIRMED before me at
Fredericton, in the County of York,⁶
in the Province of New Brunswick,
this 8th day of July, 2026.

Commissioner of Oaths
Being a solicitor
or
My appointment expires
(Month. . . Day. . . Year)

Jane Mary Doe

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Example 11. Cover Page for a Record on Motion

Court File Number FDF-00-0000

In The Court of King's Bench of New Brunswick
Family Division
Judicial District of Fredericton

Between:¹

Jane Mary Doe

Applicant

- and -

John Richard Smith

Respondent

RECORD ON MOTION

For presentation before the court on September 12th 2025, at 10:00 am.²

Applicant on Motion:³

Jane Mary Doe, Applicant
456 Main Street
Hometown, NB
E2A 1Z1
Telephone: 506-555-0000
Email: jdoe@email.com

Respondent to the Motion:⁴

John Richard Smith, Respondent
789 Queen Street
Hometown, NB
A1B 3C42
Telephone: 506-555-1111
Email: jsmith@email.com

1. Always include the full style of proceeding at the top of court documents. See example 1 for a style of proceeding.

2. Write the date and time of the hearing here.

3. Include your name, address, telephone number, and email address.

4. Include the Respondent's name, address, telephone number, and email address.

Example 12. Index for a Record on Motion

Court File Number [FDF-00-0000](#)

In The Court of King's Bench of New Brunswick
Family Division
Judicial District of [Fredericton](#)

1. Always include the full style of proceeding at the top of court documents. See example 1 for a style of proceeding.

Between:¹

[Jane Mary Doe](#)

Applicant

- and -

[John Richard Smith](#)

Respondent

2. List all the documents that you have filed for the motion, and all the documents the Respondent has filed and sent you for the motion.

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Example 13. Cover Page for a Trial Record

Court File Number **FD-00-0000**

In The Court of King's Bench of New Brunswick
Family Division
Judicial District of **Fredericton**

Between:¹

Jane Mary Doe

Applicant

- and -

John Richard Smith

Respondent

TRIAL RECORD

March 20, 2026²

Jane Mary Doe, Applicant³
456 Main Street
Hometown, NB
E2A 1Z1
Telephone: 506-555-0000
Email: jdoe@email.com

John Richard Smith, Respondent⁴
789 Queen Street
Hometown, NB
A1B 3C4
Telephone: 506-555-1111
Email: jsmith@email.com

1. Always include the full style of proceeding at the top of court documents. See example 1 for a style of proceeding.

2. The date you are filing the Trial Record (day, month, year).

3. Your name, address, telephone number, and email address.

4. The Respondent's name, address, phone number, and email address.

Example 14. Index for the Trial Record

Court File Number [FD-00-0000](#)

In The Court of King's Bench of New Brunswick
Family Division
Judicial District of [Fredericton](#)

Between:¹

[Jane Mary Doe](#)

Applicant

- and -

[John Richard Smith](#)

Respondent

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2. Affidavit of Service of the Notice of Application on the Respondent [John Richard Smith](#)
3. Certificate of Readiness
4. Affidavit of [Jane Mary Doe](#)
5. Financial Statement of [Jane Mary Doe](#)
6. Responding Affidavit of [John Richard Smith](#)
7. Financial Statement of [John Richard Smith](#)

1. Always include the full style of proceeding at the top of court documents. See example 1 for a style of proceeding.

2. Include a full list of all the documents that you and the Respondent have filed with the court up to now.

Example 15. Certificate of Readiness (Form 47B)

Court File Number FDF-00-0000

In The Court of King's Bench of New Brunswick
Family Division
Judicial District of Fredericton

Between:¹

Jane Mary Doe

Applicant

- and -

John Richard Smith

Respondent

CERTIFICATE OF READINESS FORM 47B

I, Jane Mary Doe², Applicant, certify that the pleadings are closed and that we are ready to proceed to trial.

Having consulted with the Respondent, I inform the court that:

- a) we agree that all pre-trial procedures have been completed;
- b) we estimate the trial of the action will take 1 day³;
- c) the parties intend to use the English⁴ language.

Dated in Smalltown, New Brunswick, this 20th day of March, 2026.⁵


Jane Mary Doe, Applicant⁷

1. Always include the full style of proceeding at the top of court documents. See example 1 for a style of proceeding.

2. Your name.

3. Say how much the amount of time you think the trial will take.

4. Say which language you will use at the trial.

5. Put where you signed the document, and the date (day, month, year).

6. Your signature.

7. Your name, typed or printed clearly.

Example 16. Responding Affidavit

Court File Number FDF-00-0000

In The Court of King's Bench of New Brunswick
Family Division
Judicial District of [Fredericton](#)

Between:¹

[Jane Mary Doe](#)

Applicant

- and -

[John Richard Smith](#)

Respondent

Responding Affidavit²

I, [John Richard Smith](#) of [Smalltown](#), in the County of [York](#) and Province of New Brunswick, make oath and say that:³

1. I am the Respondent in the Notice of Motion dated [June 8th, 2025](#) wherein [Jane Mary Doe](#) is the Applicant.
2. I intend to proceed in the [English](#) language.
3. I [oppose the Motion of the Applicant, Jane Mary Doe](#).
4. I request an order that the [Respondent, John Smith, be granted parenting time with the children, Kimberly Ann Smith and David Scott Smith, on a schedule of alternating weekends, under section 52\(4\) and 53\(1\) of the Family Law Act.](#)⁴
5. It is in the best interests of the children to spend an equal amount of time with me, their father.
6. I do not oppose the Applicant's request for [an order for child support according to the table amount](#).

SWORN before me at [Fredericton](#), in the County of [York](#), in the Province of New Brunswick, this [29th](#) day of [June, 2025](#).⁵

Commissioner of Oaths
Being a solicitor
or
My appointment expires
(Month. . . Day. . . Year)

_____⁶
[John Richard Smith](#)

This is not a form. You must prepare the affidavit yourself.

1. Always include the full style of proceeding at the top of court documents. See example 1 for a style of proceeding.

2. In the numbered paragraphs, give the reasons why the court should refuse the other parent's motion or application.

3. In this first line, include your name, where you live, and what county you live in.

4. You may be asking the court for an order that is different from what the other parent requested. Include the details of the order you want in your responding affidavit. List each new request in a separate paragraph.

5. Leave the place and date blank. The Commissioner of Oaths will fill this in when they sign the document, after witnessing your signature.

6. You will sign here when you meet with the Commissioner of Oaths.