

How to apply to change a support order

Checklist

Here is a checklist of the things you must do to change a support order when the payor and recipient cannot agree. Following the checklist, you will find details about how to do these things, including information about how to complete the forms you need.

- ❑ Step 1
Obtain a copy of the support order that you want to change.
- ❑ Step 2
Obtain the court forms you will need. These forms include:
 - ❑ an Application to Change or Cancel an Order (Form 2),
 - ❑ two copies of a Financial Statement, and
 - ❑ a Reply (Form 3).
- ❑ Step 3
If your application to change a support order is based on a change in financial circumstances, obtain documents that show your financial situation and the situation of the other party at the time the order you want to change was made.
- ❑ Step 4
Obtain copies of the documents needed to prove your current income. The Financial Statement has a list of these documents.
- ❑ Step 5
Prepare the court documents you need. These include:
 - ❑ an Application using Form 2, and
 - ❑ a Financial Statement.
- ❑ Step 6
Swear the Financial Statement.
- ❑ Step 7
Make four copies of the documents.
- ❑ Step 8
File the original and three copies of the documents you collected and prepared in Steps 1 and 4 at the Family Court Registry where the order being varied was originally made. The registry clerk will return three stamped copies of your documents to you.

In communities with mandatory Parenting After Separation Programs

The government has established several programs to assist people to resolve their family problems without going to court. In many communities, you may have to attend a *Parenting After Separation Program* before the Registry staff will accept your documents. Registry staff will give you a referral if the program is mandatory. The program is intended to help you understand the effect of separation on you and your children and to demonstrate effective ways to communicate and solve problems in parenting situations. You will receive a certificate of attendance that you must show the Registry staff when you file your documents.

In communities with Family Justice Registries

People who want to change a support order at court locations designated as “Family Justice Registries” are required to meet with a Family Justice Counsellor before a court date is set. Registry staff will refer you to a Family Justice Counsellor. They will tell you about their services and offer to mediate the dispute. At the meeting, you and the counsellor fill out a Referral Request that sets out that you attended the meeting and the results of the meeting. You must file the Referral Request with your other documents.

- Step 9
If the order being varied is a child support order, give notice of the application to the Family Maintenance Enforcement Program (if the child support order has been filed with that Program).
- Step 10
Have the respondent served with the following documents:
 - a copy of the Application (Form 2) you filed at the Family Court Registry,
 - the blank Reply (Form 3),
 - a copy of your filed Financial Statement,
 - a blank Financial Statement, and
 - the documents needed to prove your current income (see Step 4).
- Step 11
The respondent has 30 days to file a Reply.
- Step 12
If a Reply has been filed, the Registry clerk will send you a copy of the Reply, the respondent’s filed Financial Statement, and a notice of the time when you have to appear in court. The clerk must send you these documents within 21 days of receiving them from the respondent.

- Step 13
If the respondent does not file a Reply:
- Prepare an Affidavit of Personal Service (Form 5) and file it at the Family Court Registry.
- Receive from the Registry clerk a notice of the time when you have to appear in court. Note: The respondent will not have been told of the court date if a Reply was not filed, so it is likely that when you appear in court the respondent will not be there.
- Step 14
If the Reply contains a counterclaim (that is, a request for the court to make an order that the respondent wants), then you will have to complete and file at the Family Court Registry the original and three copies of a Reply to the counterclaim (use Form 3). The Registry clerk will return three stamped copies of your Reply to you.
- Step 15
Prepare for court.
- Step 16
Appear in court.
- Step 17
Obtain the order.
- Step 18
Notify the Family Maintenance Enforcement Program if the child support order has been varied.