

General Instructions for Completing Court Documents

- Make an extra copy of the forms, in case you make mistakes.
- These forms have been developed for typical users. If your document is more complicated or requires more space, then you will have to re-type the form.
- All documents must be neat and readable.
- Read each form carefully before beginning to fill it out.
- Fill in all the blank lines with requested information, by either hand printing or typing (except where signatures are required).
- Note that there is a style of cause (see Explanation of Legal Terms) at the top of the first page and on the backer of each form. Make sure that the style of cause on the first page is filled out in the same way as the one on the backer.
- The backer is the last sheet of the form. Fill in the backer with the requested information, making sure to include your court action number. The backer should be reversed so that the type faces out and is visible once the whole document is stapled together.

How to delete information from a document

- You must make sure every statement in your Affidavit is true. If there are paragraphs that do not apply to you or are not correct, you should cross them off.
- To cross off paragraphs, draw a straight horizontal line, in ink, through both the first and last lines of the paragraph, then draw a straight diagonal line joining these lines and forming a letter “Z.”
- To cross off a single sentence, draw a horizontal line, in ink, through the middle of the sentence.
- Use a ruler to make your lines and initial any changes that you have made. **Make sure you put your initials at the beginning and at the end of every strikeout that you make.**
- You cannot use “white out” on any court documents.

Notice of Motion Family Law Application

Use the attached form to notify the court and the respondent about your application.

Instructions:

- Read Step 1 on page 5 of the booklet.
- If you are filing your application in Edmonton, you will use a different backer (page 3 of the form). You can get a copy of this special backer from the Edmonton Family Law Information Centre.
- Include your full name and the respondent's full name in the form and on the backer.
- Include the date, time, and place of your application.
- Mark the box before each item that you are requesting from the court and fill in any blanks for those items.
- Do not check a box if you do not want the court to make that type of Order.
- Give a brief statement of your reasons for making this application.
- Fill in the date that you swore your Affidavit in support.
- Sign your name at the bottom of the form.
- Make 3 copies of the original (total of 4 with the original).

Action No: _____
YOUR COURT ACTION NUMBER

IN THE COURT OF QUEEN'S BENCH OF ALBERTA
IN THE JUDICIAL DISTRICT OF _____

BETWEEN:

YOUR NAME

Applicant

- and -

OTHER PARTY'S NAME

Respondent

NOTICE OF MOTION FAMILY LAW APPLICATION

An application made by _____, will be heard at the Court House in
FULL NAME OF APPLICANT

_____, on _____, the _____ day of
CITY IN WHICH COURT HOUSE IS LOCATED WEEKDAY DATE

_____, 20_____, at 10:00 a.m., for:
MONTH YEAR

Setting the Respondent's income per year to be \$_____.

Setting the Applicant's income per year to be \$_____.

Child Support as follows:

1. Basic Guideline support per month of \$_____.

2. Additional s. 7 expenses per month of \$_____, based on yearly expenses of:

- | | |
|--|----------|
| <input type="checkbox"/> Child care expenses | \$ _____ |
| <input type="checkbox"/> Medical/dental premiums | \$ _____ |
| <input type="checkbox"/> Health related expenses | \$ _____ |
| <input type="checkbox"/> Extraordinary school expenses | \$ _____ |
| <input type="checkbox"/> Post-secondary education expenses | \$ _____ |
| <input type="checkbox"/> Extraordinary expenses for extracurricular activities | \$ _____ |

Spousal support per month of \$_____.

- Custody Sole
 Joint Custody

of the following children:

1. _____, born _____;
FULL NAME MONTH/DAY/YEAR
2. _____, born _____;
3. _____, born _____;
4. _____, born _____;

- Access to the following children:

1. _____, born _____;
FULL NAME MONTH/DAY/YEAR
2. _____, born _____;
3. _____, born _____;
4. _____, born _____;

to be exercised as follows:

- Exclusive possession of the following property:

- Other:

[SET OUT ANYTHING ELSE YOU ARE REQUESTING]

The Applicant relies on the following grounds or reasons:

[PROVIDE A BRIEF STATEMENT OF YOUR REASONS FOR BRINGING THIS APPLICATION]

If you do not appear, an order may be made in your absence.

The Applicant has filed an Affidavit in support of this application, sworn on the

_____ day of _____, 20____.
DATE MONTH YEAR

 Signature of the Applicant

IMPORTANT NOTICE TO RESPONDENT:

If you want to respond to this application, you or your lawyer must attend in the Court House on the date and at the time specified.

If you want to present any evidence to the Judge hearing this application you must:

- make an Affidavit, sworn or affirmed as true before a Commissioner for Oaths or Notary Public;
- file the Affidavit with the Clerk of the Court;
- make sure the Applicant's lawyer (or the Applicant if he or she does not have a lawyer) receives the Affidavit **at least 24 hours before the hearing.**

Action No: _____
YOUR COURT ACTION NUMBER

IN THE COURT OF QUEEN'S BENCH OF ALBERTA
JUDICIAL DISTRICT OF

BETWEEN:

YOUR NAME Applicant

- and -

OTHER PARTY'S NAME Respondent

**NOTICE OF MOTION
FAMILY LAW APPLICATION**

YOUR NAME

YOUR ADDRESS

YOUR PHONE NUMBER

Affidavit

Use this form to present all of the facts that are relevant to your application.

Instructions:

- Read Step 2 on page 6 of the booklet.
- Include your full name and the respondent's full name in the form and on the backer.
- Fill in the paragraphs that apply to you and cross off the paragraphs that don't. See the General Instructions page for instructions about crossing out in an Affidavit.
- Add any other facts you feel are necessary to support your application.
- Number all of your paragraphs consecutively (1, 2, 3, 4...).
- Letter each one of your exhibits consecutively (Exhibit A, Exhibit B...) Attach all exhibits at the end of your Affidavit, just before the backer.
- If your Affidavit, when all of the exhibits are attached, will be more than 25 pages long, ask the Clerk or the Family Law Information Centre for help with numbering your pages.
- Have your affidavit sworn or affirmed before a commissioner for oaths. You may be asked for personal identification.
- Write the date that you swore the Affidavit at the top of the first page and the backer.
- Make 3 copies of the original Affidavit, including all exhibits (total of 4 with the original). Copy the Affidavit AFTER it has been sworn by a Commissioner for Oaths.

Note: You cannot make any changes to your Affidavit once it has been sworn.

Action No: _____
YOUR COURT ACTION NUMBER

Affidavit of _____, Sworn _____
YOUR NAME DATE AFFIDAVIT SWORN OR AFFIRMED

IN THE COURT OF QUEEN'S BENCH OF ALBERTA
JUDICIAL DISTRICT OF _____

BETWEEN:

YOUR NAME Applicant

- and -

OTHER PARTY'S NAME Respondent

AFFIDAVIT

I, _____, of the _____ of _____,
YOUR NAME 'CITY' OR 'TOWN' OR OTHER NAME OF CITY, TOWN, ETC

in the Province of Alberta, _____, MAKE OATH AND SAY THAT:
OCCUPATION

1. I am the Applicant herein and as such have a personal knowledge of the following information, except where stated to be based on information and belief in which case I do believe it to be true.

What You are Asking For

2. I am asking the Court for:
(Check and complete all that apply)

A change in custody as follows:

GIVE DETAILS OF PROPOSED CHANGE IN CUSTODY

- A change in access as follows:

GIVE DETAILS OF PROPOSED CHANGE IN ACCESS

History of Your Relationship

3. *(Check one only)*

- I am married to the Respondent.
 I am divorced from the Respondent.

4. *(Check one only)*

- We separated on _____.
MONTH/DAY/YEAR
- We were divorced on _____.
MONTH/DAY/YEAR

Information about Your Children

5. We have the following children:

- (i) _____, born _____
NAME MONTH/DAY/YEAR
- (ii) _____, born _____
- (iii) _____, born _____
- (iv) _____, born _____

Referred to from now on as "the children"

Information about your Court Order for Custody and/or Access

(Give details about the Order you are asking the Court to change.)

6. An Order for custody and/or access was granted on _____ by the Honourable
MONTH/DAY/YEAR
Justice _____. Attached and marked as Exhibit '_____' to
this my Affidavit is a copy of this Order.

Changes in Circumstances

7. Since the time the Order was granted, there has been the following change of circumstances:
(List every relevant change since the date of the last Order for custody and/or access, including any change in the condition, means, needs or other circumstances of the children. Each change should be in a separate lettered paragraph.)

(a) _____

(b) _____

Custody and Access

(Change the following paragraphs to suit your own current parenting situation — provide details.)

8. *(Check the custody arrangements that are in place right now)*

- The children live with me.
- The children live with the Respondent.
- The following children live with me:

NAMES OF CHILDREN

and the following children live with the Respondent:

NAMES OF CHILDREN

- Other:

GIVE DETAILS OF THE CUSTODY ARRANGEMENT THAT IS IN PLACE RIGHT NOW

9. (Check the access arrangements that are in place right now)

I spend the following time with the children:

(Provide details of your access only for the children that do not live with you)

The Respondent spends the following time with the children:

(Provide details of the Respondent's access only for the children that live with you)

10. I want the children, _____,
NAMES OF CHILDREN

to live with me for the following reasons:

(Give complete details, including your role and the Respondent's role in the children's day to day care and routine, both before and after your separation)

Other Facts

Add any other facts, in separate numbered paragraphs (starting with #13), continuing from your last numbered paragraph.

—.

—.

—.

—.

—.

SWORN BEFORE ME at the _____)
of _____, in the Province)
of Alberta, this _____ day of _____, _____)
_____)
_____)
_____)
A COMMISSIONER FOR OATHS IN)
AND FOR THE PROVINCE OF ALBERTA)

YOUR SIGNATURE

Insert the Exhibits for your Affidavit here

Make sure the exhibits are labelled alphabetically in the order in which they appear in the Affidavit.

Put them in the same order when inserting them here.

Action No: _____
YOUR COURT ACTION NUMBER

Affidavit of _____
YOUR NAME

Date Sworn: _____

IN THE COURT OF QUEEN'S BENCH OF ALBERTA
JUDICIAL DISTRICT OF

BETWEEN:

YOUR NAME Applicant

- and -

OTHER PARTY'S NAME Respondent

AFFIDAVIT

YOUR NAME

YOUR ADDRESS

YOUR PHONE NUMBER

Affidavit of Service (Serving the Application)

Use the attached form to explain when and where the respondent received a copy of your application.

Instructions:

- Do not complete this form until AFTER the respondent has been served.
- Read Steps 4 and 5 on page 7 - 8 of the booklet.
- Include your full name and the respondent's full name in the form and on the backer.
- Fill in the paragraphs that apply to you and cross off the paragraphs that don't. See the General Instructions page for instructions about crossing out in an affidavit.
- One copy each of the Notice of Motion and Affidavit must be attached as exhibits (as well as the post office receipt and Acknowledgement of Receipt with the respondent's signature, if you served by registered mail).
- Letter each one of your exhibits consecutively (Exhibit A, Exhibit B...). Attach all exhibits at the end of the Affidavit, just before the backer.
- If the Affidavit of Service, when all of the exhibits are attached, will be more than 25 pages long, ask the Clerk or the Family Law Information Centre for help with numbering your pages.
- The person who served the documents must swear or affirm the Affidavit of Service before a commissioner for oaths. That person may be asked for identification.
- Write the date that the person swore the Affidavit at the top of the first page and the backer.
- Make 1 copy of the original Affidavit of Service, including all exhibits. Copy the Affidavit AFTER it has been sworn by a Commissioner for Oaths.

Note: You cannot make changes to the Affidavit of Service after it has been sworn.

Action No: _____
YOUR COURT ACTION NUMBER

IN THE COURT OF QUEEN'S BENCH OF ALBERTA
JUDICIAL DISTRICT OF _____

BETWEEN:

YOUR NAME

Applicant

- and -

OTHER PARTY'S NAME

Respondent

AFFIDAVIT OF SERVICE

I, _____, of the _____ of _____,
NAME OF DOCUMENT SERVER 'CITY' OR 'TOWN' OR OTHER NAME OF CITY OR TOWN ETC.

in the Province of Alberta, _____, MAKE OATH AND SAY:
OCCUPATION

1. That I am an adult person.

2. That I did on the _____ day of _____, _____, personally serve
DATE OF SERVICE MONTH OF SERVICE YEAR

_____, the Respondent, with a true copy of the Notice
OTHER PARTY'S NAME
of Motion and Affidavit, which are annexed and marked respectively as Exhibits 'A' and 'B' to this
my Affidavit, by delivering the said copies to and leaving the same with

_____, the Respondent, at
OTHER PARTY'S NAME

FULL ADDRESS WHERE OTHER PARTY WAS SERVED

OR

2. That I did on the _____ day of _____, _____, personally serve
DATE OF SERVICE MONTH OF SERVICE YEAR

_____, the Respondent, with a true copy of
OTHER PARTY'S NAME
the Notice of Motion and Affidavit, which are annexed and marked respectively as Exhibits 'A' and
'B' to this my Affidavit, by enclosing such copies in an envelope addressed to

_____, the Respondent at
OTHER PARTY'S NAME

FULL ADDRESS OF OTHER PARTY

and posting the same by registered mail at:

ADDRESS OF POST OFFICE WHERE YOU MAILED THE MATERIAL

and annexed and marked as Exhibits 'C' and 'D' to this my Affidavit are the are the receipt from
the Postmaster at _____

ADDRESS OF POST OFFICE

and the receipt of _____ for such registered mail.

OTHER PARTY'S NAME

SWORN BEFORE ME at the _____

of _____, in the Province

of Alberta, this ____ day of _____, _____.

SIGNATURE OF DOCUMENT SERVER

A COMMISSIONER FOR OATHS IN
AND FOR THE PROVINCE OF ALBERTA

Insert your Exhibits here

These include:

Exhibit 'A' Notice of Motion

Exhibit 'B' Affidavit

For service by registered mail:

Exhibit 'C' Post Office Receipt

Exhibit 'D' Acknowledgement of Receipt (with the respondent's signature)

Make sure the exhibits are labelled alphabetically in the order in which they appear in the Affidavit.

Put them in the same order when inserting them here.

Action No: _____
YOUR COURT ACTION NUMBER

Affidavit of: _____
NAME OF DOCUMENT SERVER

Date Sworn: _____

IN THE COURT OF QUEEN'S BENCH OF ALBERTA
JUDICIAL DISTRICT OF

BETWEEN:

YOUR NAME Applicant

- and -

OTHER PARTY'S NAME Respondent

AFFIDAVIT OF SERVICE

YOUR NAME

YOUR ADDRESS

YOUR PHONE NUMBER

Variation Order

Use the attached form to prepare the Order made by the judge.

Instructions:

- Do not fill in this form until after you have gone to court, and the judge has verbally given an order.
- Read Step 7 on page 11 of the booklet.
- Include your full name and the respondent's full name in the form and on the backer.
- Cross off either the second or third paragraph on the first page of the Order to state whether or not the respondent was in court.
- Fill in paragraph 1 with information about the Judgment or Order that this Order changes.
- Include all of the terms of the Order.
- Add or cross off paragraphs, or change the wording of the sample Order as necessary to reflect the Order given by the judge in court. Sample terms are on page 29 of the booklet. These terms are just samples. If you need to add paragraphs or other terms you will need to re-type the Order.
- Number all of your paragraphs consecutively (1, 2, 3, 4).
- The judge's signature cannot appear on a page by itself.
- If the respondent was in court, the respondent must sign his/her signature on the Order below the line "Approved as to form and content". If the respondent was not in court, you can cross off this paragraph in the Order.
- Make 3 copies of your Order (total of 4 with the original).

The judge may not be willing to sign an Order with crossed off sections or handwritten paragraphs. In this case, you will have to re-type the Order.

Action No: _____
YOUR COURT ACTION NUMBER

IN THE COURT OF QUEEN'S BENCH OF ALBERTA
JUDICIAL DISTRICT OF _____

BETWEEN:

YOUR NAME

Applicant

- and -

OTHER PARTY'S NAME

Respondent

BEFORE THE HONOURABLE) ON _____, THE _____
WEEKDAY DATE
MADAM/MR. JUSTICE _____) DAY OF _____,
MONTH YEAR
COURT HOUSE, _____, ALBERTA)

VARIATION ORDER

UPON THE APPLICATION of the Applicant; AND UPON READING the materials filed on behalf of the Applicant; AND HEARING representations by the Applicant;

AND UPON READING the materials filed on behalf of the Respondent; AND HEARING representations by the Respondent;

OR

AND UPON the Respondent not appearing in person or by agent;

AND UPON the Court being advised that the name and birth date of each child of the marriage is as follows:

_____, born _____
NAME MONTH/DAY/YEAR
_____, born _____
_____, born _____
_____, born _____

IT IS HEREBY ORDERED THAT:

1. The Judgment/order granted _____, _____ by the Honourable Madam/Mr. Justice
DATE YEAR
_____ is hereby varied to delete paragraph _____ of the said
Judgment/order.

2. *(Set out the custody arrangements)*

3. *(Set out the access arrangements)*

JUSTICE OF THE COURT OF QUEEN'S
BENCH OF ALBERTA

APPROVED AS TO FORM AND CONTENT:

SIGNATURE OF RESPONDENT

ENTERED THIS _____ DAY OF,
_____, _____

CLERK OF THE COURT

Action No: _____
YOUR COURT ACTION NUMBER

IN THE COURT OF QUEEN'S BENCH OF ALBERTA
JUDICIAL DISTRICT OF

BETWEEN:

YOUR NAME Applicant

- and -

OTHER PARTY'S NAME Respondent

ORDER

YOUR NAME

YOUR ADDRESS

YOUR PHONE NUMBER

Affidavit of Service (Service of the Order)

Use the attached form to explain when and where the respondent received a copy of the Order.

Instructions:

- Do not fill in this form until AFTER the respondent has been served with the Order.
- Read steps 8 and 9 on page 11 - 12 of the booklet.
- Include your full name and the respondent's full name in the form and on the backer.
- Fill in the paragraphs that apply to you cross off the paragraphs that don't. See the General Instructions page for instructions about crossing off in an affidavit.
- One filed copy of the Order must be attached as an exhibit (as well as the post office receipt and Acknowledgement of Receipt with the respondent's signature, if you served by registered mail).
- Letter each one of the exhibits consecutively (Exhibit A, Exhibit B...). Attach all exhibits at the end of the Affidavit, just before the backer.
- The person who served the documents must swear or affirm the Affidavit of Service before a commissioner for oaths.
- Make 1 copy of the original Affidavit of Service, including all exhibits. Copy the Affidavit AFTER it has been sworn by a Commissioner for Oaths.

Note: You cannot make changes to an affidavit once it has been sworn.

Action No: _____
YOUR COURT ACTION NUMBER

Affidavit of _____, Sworn _____
NAME OF DOCUMENT SERVER DATE AFFIDAVIT SWORN OR AFFIRMED

IN THE COURT OF QUEEN'S BENCH OF ALBERTA
JUDICIAL DISTRICT OF _____

BETWEEN:

YOUR NAME Applicant

- and -

OTHER PARTY'S NAME Respondent

AFFIDAVIT OF SERVICE

I, _____, of the _____ of _____, in the
NAME OF DOCUMENT SERVER 'CITY' OR 'TOWN' OR OTHER NAME OF CITY OR TOWN ETC.

Province of Alberta, _____, MAKE OATH AND SAY:
OCCUPATION

1. That I did on the _____ day of _____, _____, personally serve
DATE OF SERVICE MONTH OF SERVICE YEAR
_____, the Respondent, with a true copy of the Order,
OTHER PARTY'S NAME
which is annexed and marked as Exhibit 'A' to this my Affidavit, by delivering the said copy to
and leaving the same with _____, the Respondent, at:
OTHER PARTY'S NAME

FULL ADDRESS WHERE OTHER PARTY WAS SERVED

OR

1. That I did on the _____ day of _____, _____, personally serve
DATE OF SERVICE MONTH OF SERVICE YEAR
_____, the Respondent, with a true copy of the Order,
OTHER PARTY'S NAME
which is annexed and marked as Exhibit 'A' to this my Affidavit, by enclosing the said copy in an

envelope addressed to _____, the Respondent, at:

OTHER PARTY'S NAME

FULL ADDRESS OF OTHER PARTY

and posting the same by registered mail at:

ADDRESS OF POST OFFICE WHERE YOU MAILED THE MATERIAL

and annexed and marked as Exhibits 'B' and 'C' to this my Affidavit are the receipt from the Postmaster at _____

ADDRESS OF POST OFFICE

and the receipt of _____ for such registered mail.

OTHER PARTY'S NAME

SWORN BEFORE ME at the _____

of _____, in the Province

of Alberta, this ____ day of _____, _____.

SIGNATURE OF DOCUMENT SERVER

A COMMISSIONER FOR OATHS IN
AND FOR THE PROVINCE OF ALBERTA

Insert your Exhibits here

These include:

Exhibit 'A' Order

For service by registered mail:

Exhibit 'B' Post Office Receipt

Exhibit 'C' Acknowledgement of Receipt (with the respondent's signature)

Make sure the exhibits are labelled alphabetically in the order in which they appear in the Affidavit.

Put them in the same order when inserting them here.

Action No: _____
YOUR COURT ACTION NUMBER

Affidavit of _____
NAME OF DOCUMENT SERVER

Date Sworn: _____

IN THE COURT OF QUEEN'S BENCH OF ALBERTA
JUDICIAL DISTRICT OF

BETWEEN:

YOUR NAME Applicant

- and -

OTHER PARTY'S NAME Respondent

AFFIDAVIT OF SERVICE

YOUR NAME

YOUR ADDRESS

YOUR PHONE NUMBER