



PRINCE EDWARD ISLAND
ÎLE-DU-PRINCE-ÉDOUARD

INTERJURISDICTIONAL SUPPORT ORDERS ACT GENERAL REGULATIONS

PLEASE NOTE

This document, prepared by the *Legislative Counsel Office*, is an office consolidation of this regulation, current to February 2, 2013. It is intended for information and reference purposes only.

This document is *not* the official version of these regulations. The regulations and the amendments printed in the *Royal Gazette* should be consulted on the Prince Edward Island Government web site to determine the authoritative text of these regulations.

For more information concerning the history of these regulations, please see the *Table of Regulations* on the Prince Edward Island Government web site (www.princeedwardisland.ca).

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INTERJURISDICTIONAL SUPPORT ORDERS ACT

Chapter I-4.2

GENERAL REGULATIONS

Pursuant to subsection 41(4) of the *Interjurisdictional Support Orders Act* R.S.P.E.I. 1988, Cap. I-4.2, Council made the following regulations:

1. Definitions

In these regulations

- (a) “Act” means the *Interjurisdictional Support Orders Act* R.S.P.E.I. 1988, Cap. I-4.2;
- (b) “Rules of Court” revoked by EC736/08. (EC218/03; 736/08)

2. Support application

For the purposes of subsection 4(2) of the Act, a support application must be in the form required by the applicable designated authority and must include

- (a) the financial information required in the support application form;
- (b) other information and documents required by the reciprocating jurisdiction; and
- (c) the original application and two copies of it for transmission to the reciprocating jurisdiction. (EC218/03)

3. Further information, documents

For the purposes of subsection 5(3) of the Act, where a reciprocating jurisdiction requests further information or documents from a claimant, the claimant shall, within the time required by the request, provide to the Director for transmission to the reciprocating jurisdiction

- (a) the further information requested as part of an affidavit and the further documents requested as exhibits to an affidavit; and
- (b) two copies of the affidavit required by clause (a). (EC218/03)

4. If provisional order required

(1) Where a reciprocating jurisdiction requires a provisional order referred to subsection 6(1) of the Act, the claimant shall apply for the order

- (a) by completing the support application referred to in subsection 4(2) of the Act in the form required by the designated authority and including the documents referred to in section 2; and

- (b) by submitting the support application and a proposed provisional order to the designated authority to be filed with the court.

Evidence

- (2) The support application, including the documents referred to in sections 2 and 3, is evidence in the proceeding.

Claimant need not appear

- (3) Unless otherwise directed by a court, an application for a provisional order may proceed without an appearance by a claimant. *(EC218/03)*

5. Respondent's duties

After being served by the designated authority with a support application and a notice in accordance with subsection 8(1) of the Act, a respondent shall

- (a) provide the information or documents requested by the designated authority in the notice served with the support application;
- (b) complete the form provided by the designated authority; and
- (c) bring the information or documents and form required by clauses (a) and (b) to the hearing of the application. *(EC218/03)*

6. Notice of Motion

- (1) A party to an extra-provincial or foreign order who wishes to apply under subsection 18(2) of the Act to have the registration of the order set aside shall file a Notice of Motion, in accordance with the rules of court, setting out the grounds for setting aside the registration, not later than 30 days from receiving notice of the registration of the order.

Service on Director

- (2) A Notice of Motion filed under subsection (1) shall be served by the applicant on the Director not later than 20 days before the hearing date of the motion.

Service on Director

- (3) Service on the Director may be by the following means:
 - (a) personal service by leaving a copy with an employee of the Maintenance Enforcement Office;
 - (b) postal mail or fax sent to the Maintenance Enforcement Office. *(EC218/03; 736/08)*

7. Notice of decision or order

For the purposes of subsection 18(6) of the Act, notice of a decision or order of the Supreme Court shall be given

- (a) to the Director by personal service, by postal mail or by facsimile; and
- (b) to the parties by postal mail at each party's last known address. *(EC218/03)*

8. Support variation application

For the purposes of subsection 23(2) of the Act, a support variation application must be in the form required by the applicable designated authority and must include

- (a) the financial information as required in the support variation application form;



- (b) any other information or documents that are required by the reciprocating jurisdiction; and
- (c) two copies of the application, in addition to the original application for transmission to the reciprocating jurisdiction. (EC218/03)

9. Providing information, documents

For the purposes of subsection 24(3) of the Act, where a reciprocating jurisdiction requests further information or documents from a claimant, the claimant shall, within the time required by the request, provide to the Director for transmission to the reciprocating jurisdiction

- (a) the further information requested as part of an affidavit and the further documents requested as exhibits to an affidavit; and
- (b) two copies of the affidavit required by clause (a). (EC218/03)

10. Respondent's duties

For the purposes of subsection 27(1) of the Act, the respondent shall

- (a) provide the information or documents requested by the designated authority or served with the support variation application;
- (b) complete the form provided by the designated authority; and
- (c) bring the information or documents and form required by clauses (a) and (b) to the hearing of the application. (EC218/03)

11. Methods of service

- (1) A designated authority may effect the service of any application, order or document under the Act on the person being served by

- (a) personal service;
- (b) email; or
- (c) facsimile,

to the most current address of that person on file with the designated authority.

Change of address

- (2) A party to a support application or support variation application shall provide the designated authority with any change of address of that party that occurs before the conclusion of the hearing of the application. (EC218/03)

12. Exchange rates

A designated authority shall use the following exchange rates to convert foreign currency to Canadian currency and vice versa:

- (a) the rate of exchange for the equivalent amount in Canadian currency set by a Canadian chartered bank applicable to the date on which the order was made;
- (b) if the rate of exchange on the date referred to in clause (a) is not reasonably available, the rate of exchange to be used is the rate of exchange for the equivalent amount in Canadian currency applicable to the date on which the order was registered for enforcement with the Director. (EC218/03)

13. Administrative fee

Employees or agents of a government department who assist an applicant or a respondent to complete the forms required by these regulations may charge an administrative fee of \$25 per file, payable to that department. *(EC218/03)*

14. Reciprocating jurisdictions in Schedule

The jurisdictions named in the Schedule to these regulations are declared to be reciprocating jurisdictions for the purposes of section 41 of the Act. *(EC218/03)*



SCHEDULE

RECIPROCATING JURISDICTIONS

Australia - the following states and territories:

- Capital Territory of Australia
- New South Wales
- Northern Territory of Australia
- Queensland
- South Australia
- Tasmania
- Victoria
- Western Australia

Austria

Canada - the following provinces and territories:

- Alberta
- British Columbia
- Manitoba
- New Brunswick
- Newfoundland and Labrador
- Northwest Territories
- Nova Scotia
- Nunavut
- Ontario
- Quebec
- Saskatchewan
- Yukon Territory

England

Federal Republic of Germany

Guernsey, Alderney and Sark

Isle of Man

States of Jersey

Malta and its dependencies

New Zealand

Northern Ireland

Papua and New Guinea

Poland

United States of America - All fifty States, District of Columbia, Guam, Puerto Rico, United States Virgin Islands and any other jurisdiction of the United States participating in Title IV-D of the *Security Act* (U.S.A.)

Zimbabwe

(EC218/03; 45/13)

