

When families are separated and parents, and children, or spouses (partners) live in different provinces, territories or countries (jurisdictions), there can be many challenges. Some families may find it particularly difficult to obtain the child or spousal support they need, or to change the support obligation that has already been established.

To help, most provinces and territories have an *Interjurisdictional Support Orders* (ISO) Act. This Act allows a person to ask a court, tribunal or administrative body in another jurisdiction to decide a support claim in the jurisdiction where the other person resides.

These Forms can be used between provinces and territories. They can generally be used for applications when the other party lives in the United States or in another country with which your province or territory has an arrangement. However, in some cases additional or alternative Forms may be required.

Tips

- The Forms you submit as part of your application will organize your information for the court. You should include as much information as possible so that the court can make an informed decision.
- All support order applications require you to complete either Form A.1 or A.2.
- Use the tables included in the FormSupport Introduction and General Information at <http://www.gov.pe.ca/jps/index.php3?number=1028842&lang=E> to determine the additional Forms you need to complete.
- Use a working copy and a final copy when completing these Forms. To ensure that the final copy is neat and legible, only complete the final copy when satisfied with your responses.
- Include all copies of receipts, documents and other evidence that will help prove statements and claims you make. Documents provided will form part of the evidence for the matter and cannot be returned.
- Receipts and documents may contain address information that you may wish to remain confidential. If you choose to conceal the address information, ensure that you keep the originals in case the court requires that you provide them.
- After completing all of your Forms, you must swear to the accuracy of all the information that you provided – just like if you were in court providing the evidence in person.

For more information on family justice matters, visit

<https://www.princeedwardisland.ca/en/information/family-law> or www.Canada.ca/family-law.

The Child Support Guidelines Office is a free government service that can assist Islanders who represent themselves to finalize their ISO forms. For more information, call (902) 368-6220 (Charlottetown) or (902) 888-8188 (Summerside).

What is a 'reciprocating jurisdiction'?

When the two people live in *different* jurisdictions (a different province, territory, or country), which laws do the Court use to determine child support? Many years ago, one person would have to travel for a Court hearing in one place or the other. With "reciprocity", PEI has agreements with over 65 different places to honour and recognize each other's support laws and orders. They include all the Canadian provinces and territories, the United States, and several other foreign countries. This means that a person can start an application in PEI and an order can be made, or changed, or enforced, where the other person lives. The order is "good" in both places.

NOTE: If you have a support order under the ***Divorce Act***, the ISO process will not apply to you. If you are divorced and do not have a support order, you may be able to use the ISO process. You may wish to speak with a lawyer for advice about what is best in your circumstances.

Are there other options, or do we have to do the ISO process?

Yes, there are ways other than the ISO process that you can try to get support or vary an existing support order if you live in PEI, and the other party lives in another province/territory/country that is a reciprocating jurisdiction.

These other options are:

1. Consent Order (child support only) - If both of you agree to terms of Consent Order, and if these terms comply with the [Federal Child Support Guidelines](#), the PEI [Child](#)

[Support Guidelines Office](#) (902-368-6220 in Charlottetown; 902-888-8188 in Summerside) may be able to assist you to apply to the Court for a Consent Order. There would be no Court hearing, therefore neither party would need to attend Court. Once the judge signs the Consent Order, it can be 'registered' in the other party's province/territory/country.

2. Agreement - If you and the other party agree, you can enter into a written agreement. That, too, can be 'registered' in both jurisdictions, and, if done properly, will be legal.
3. Mediation - Mediation can happen when both people are willing to work together with a mediator to try to come to an agreement. The PEI government offers [free public Mediation Services](#) (902-368-6928) for separating families to deal with child-related legal matters, including child support.

If you are seeking to change support set out in a written agreement rather than a court order, it may need to be registered with a court in both jurisdictions before the variation application can be completed.

How the Forms work

These Forms have been created to help you in providing the information the court will require to make an informed decision. Completing the Forms is not something that you should take lightly as the information provided will be your evidence in court.

NOTE: Information contained in your application, including your contact information, will be included in the package provided to the Respondent and will form part of a court file that MAY BE available to the general public. If you are concerned about providing your own address, you may provide an alternative address where you can be contacted.

Designated Authority

Every jurisdiction has an office responsible for receiving and sending packages between jurisdictions which serves as a Designated Authority. Depending on the jurisdiction, it may be located within the provincial or territorial maintenance enforcement program, a separate government office or the court. In PEI, the Designated Authority is the "Reciprocity Enforcement Officer" in the Maintenance Enforcement Program, who can be reached at (902) 368-6053.

Also, the Child Support Guidelines Office in PEI assists Islanders who represent themselves to finalize their ISO forms. For more information, call (902) 368-6220 (Charlottetown) or (902) 888-8188 (Summerside).

Getting started

All support order applications require you to complete Form A.1 or A.2. The first of the following tables helps you identify the additional Forms you need to complete in order to make a **new** support application. The second and third tables help you identify the Forms you need to complete to **change** an existing order.

Child Support Guidelines in Canada

Child support guidelines are a set of rules and tables to apply when determining child support. The guidelines include very detailed tables, specific to each province and territory, which provide the amount parents should pay.

The courts must follow the applicable child support guidelines, unless there are special circumstances.

The Department of Justice Canada has a publication, The Federal Child Support Guidelines: Step-by-Step, which contains general information about child support, including guidance on determining which guidelines apply to you. The publication may be accessed from the following website:
www.Canada.ca/family-law

FORMSUPPORT

INTRODUCTION AND GENERAL INFORMATION

For new support orders

Use this table if you **do not already** have a support order. The person applying for the order is called the “Claimant” and the person responding is called the “Respondent”.

You will be required to complete Form A.1 with all applications and additional Forms as outlined below. Where information is provided in an affidavit it may be attached to your application.

	Support Application - if you do not have a support order now	Use Form(s)
<input type="checkbox"/>	I am applying for a support order.	Form A.1: Support Application (ALWAYS MANDATORY)
<input type="checkbox"/>	I am asking for support for 1 or more child(ren).	Form C: Child Support Claim
<input type="checkbox"/>	I am asking for support for 1 or more child(ren) under the age of majority in a different amount than in the child support guidelines tables.	Form E: Request for Child Support Different than Child Support Guidelines Table Amount Form I: Financial Statement
<input type="checkbox"/>	I am asking for support for 1 or more child(ren) at or over the age of majority.	Form E: Request for Child Support Different than Child Support Guidelines Table Amount Form I: Financial Statement Form J: Child Status and Financial Statement
<input type="checkbox"/>	I am asking for additional child support to cover special or extraordinary expenses such as child care, health-related expenses, the child’s portion of medical or dental health premiums, extraordinary expenses for education, post-secondary expenses, or extraordinary expenses for extracurricular activities.	Form F: Special or Extraordinary Expense Claim Form I: Financial Statement
<input type="checkbox"/>	I believe the Respondent may claim not to be the parent of the child(ren). If the parentage of the child(ren) is to be raised as an issue, I am asking for a determination that the Respondent is the parent of the child(ren).	Form B: Parentage
<input type="checkbox"/>	I want the court to make an order even if the Respondent does not come to court, or give financial information.	Form D: Request for a Support Order (if Respondent does not provide financial information)
<input type="checkbox"/>	I am asking for support for myself.	Form H: Support for Claimant/Applicant Form I: Financial Statement

To change an existing support order

Use these tables if **you receive** support and you want to change support order or written agreement you **already have**.

The person applying for the order is called the “Applicant” and the person responding to the application is called the “Respondent”.

	Support Variation Application: if you receive support	Use Form(s)
<input type="checkbox"/>	I am applying to change a support order I have now.	Form A.2: Support Variation Application (ALWAYS MANDATORY) Form K: Evidence to Support Variation of a Support Order
<input type="checkbox"/>	I want to change the child support obligation.	Form C: Child Support Claim Form D: Request for a Support Order (if Respondent does not provide financial information)
<input type="checkbox"/>	I want child support for 1 or more child(ren) at or over the age of majority .	Form E: Request for Child Support Different than Child Support Guidelines Table Amount Form J: Child Status and Financial Statement Form I: Financial Statement
<input type="checkbox"/>	I am asking that the amount of child support be changed to an amount different from the child support guidelines tables.	Form E: Request for Child Support Different than Child Support Guidelines Table Amount Form I: Financial Statement
<input type="checkbox"/>	I want to change, or add, an amount for special or extraordinary expenses such as child care, health-related expenses, the child's portion of medical or dental health premiums, extraordinary expenses for education, post-secondary expenses, or extraordinary expenses for extracurricular activities.	Form F: Special or Extraordinary Expense Claim Form I: Financial Statement
<input type="checkbox"/>	I want to change the amount of support for myself.	Form D: Request for a Support Order (if Respondent does not provide financial information) Form H: Support for Claimant/Applicant Form I: Financial Statement

To change an existing order

Use these tables if **you pay** support and you want to change that support order or written agreement.

	Support Variation Application: if you are required to pay support	Use Form(s)
<input type="checkbox"/>	I am applying to change or cancel a support order that requires me to pay support.	Form A.2: Support Variation Application (ALWAYS MANDATORY) Form K: Evidence to Support Variation of a Support Order
<input type="checkbox"/>	I want the court to make an order even if the Respondent does not come to court, or give financial information (if applicable).	Form D: Request for a Support Order (if Respondent does not provide financial information)
<input type="checkbox"/>	I want to change child support for a child or children under the age of majority because my income has changed.	Form I: Financial Statement
<input type="checkbox"/>	I want to change child support for a child at or over the age of majority .	Form G: Request to Pay Child Support Different than Child Support Guidelines Table Amount Form I: Financial Statement Form J: Child Status and Financial Statement
<input type="checkbox"/>	I want to end my obligation to pay child support because the child or children are at or over the age of majority and I believe that they are no longer entitled to or in need of child support.	Form J: Child Status and Financial Statement
<input type="checkbox"/>	I want to change the amount of child support to an amount different from the child support guidelines tables.	Form G: Request to Pay Child Support Different than Child Support Guidelines Table Amount Form I: Financial Statement

Completing your application

When you fill in the final version of each Form, be sure to sign it, **except Form A.1 and Form A.2** which must only be signed in the presence of a Notary Public or a Commissioner of Oaths (see the next section).

Once sworn, you will not be able to add or edit information in the Forms, so make sure you are satisfied with your work before moving on to the next step.

Swearing/Affirming your application

When you make an application through the ISO process, you will not attend court, so your documents will take the place of your evidence under oath in court.

Giving sworn or affirmed evidence is an important part of any court action. As you will not be in court, your application package will speak for you. For that to happen, it must be sworn or affirmed. When your application package is complete, follow these steps:

1. Make sure you have completed all of the Forms required for your application, and any documents that go along with them. In most cases, photocopies of the attached supporting documents should be used.
2. Do **not** sign or date Form A.1 or Form A.2 yet as these must be sworn. You must sign all the remaining Forms as they are completed. The Forms with your original signature should be

included in the application package that will be sworn.

3. Put the Forms and documents in order, from the first letter (A) to the last one you completed.
4. Take your original application package to a Notary Public or Commissioner of Oaths to have your application sworn or affirmed. There may be a fee. All lawyers in PEI are Notaries Public. A list of lawyers in PEI is available on the Law Society of PEI website, [here](http://lawsocietypei.ca/find-a-lawyer): <http://lawsocietypei.ca/find-a-lawyer>. If you are asked what kind of document it is that you want sworn or affirmed, say it is an “Inter-jurisdictional support application being sent outside PEI.” If this person does not know you, you will be required to show photo identification.

If you are unable to have the application notarized, contact the Child Support Guidelines Office in Charlottetown (902-368-6220) or Summerside (902-888-8188) for assistance.

NOTE: Many jurisdictions will only accept ISO documents that have been sworn before a Notary Public. Contact the Reciprocity Enforcement Officer to determine whether an alternative is available.

5. The Notary Public or Commissioner of Oaths will ask you if you swear or affirm that you have read the documents and that **the contents are true**. If you say yes, you will be asked

to sign the last page of Form A.1 or Form A.2.

When you have signed, the Notary Public or Commissioner of Oaths will fill in part of the Form, sign it and add his/her stamp or seal where indicated.

6. Make three copies, in addition to your original, of your entire sworn application package including all documents and papers. The court will require the original and two copies. You should keep the third copy for your own records.

Sworn package

The sworn package is the evidence that the court will use to make its order. It has your original signature on it, and it has been notarized. Once the package is sworn, **do not** add any other documents to it, or make any changes.

Submitting your application

You must submit your application to the Reciprocity Enforcement Officer (902-368-6053) in the Maintenance Enforcement Program at the Honourable C.R. McQuaid Family Law Centre (1 Harbourside Access Road, PO Box 2000, Charlottetown, PE, C1A 8C1).

Include three copies of the full application package: the sworn original copy of the application, and two photocopies. Each package should start with Form A.1 or A.2, followed by the remaining Forms and other documents.

What happens next?

The Reciprocity Enforcement Officer may review your application to determine if it is complete.

The Reciprocity Enforcement Officer and the Child Support Guidelines Office staff cannot give you legal advice, or tell you what should go in your application. They do not check your facts or your calculations. They will check whether the documents noted in your application are attached and signed. If they discover that something is missing, they may send the package back to you with a letter stating what is needed. If the package comes back, you will have to have it sworn again and your application will be delayed. This is why it is important to check your documents before submitting them.

Once the application package is complete, the Reciprocity Enforcement Officer will send it to the other jurisdiction (where the other party lives).

The Reciprocity Enforcement Officer will then send you a letter or email confirming that your application has been sent. You can expect this letter or email from the Reciprocity Enforcement Officer within approximately 3 weeks.

Your package may be reviewed again when it gets to the other jurisdiction. If more information is needed, the other jurisdiction may contact the Reciprocity Enforcement Officer in PEI, who will contact you. When everything is ready, the package goes to court in the other jurisdiction.

If you have forgotten to include some evidence with your application, or your circumstances have changed since you sent in your ISO application, you may send an

Affidavit to include your additional evidence and/or explain what has changed. Contact the Reciprocity Enforcement Officer (902-368-6053) to find out more about this process.

At the court in the other province or territory or other country

The Respondent will receive formal notice that you have made an ISO application. The Respondent will get a copy of your application and will be directed to submit a response to the court based on the law and rules in that jurisdiction.

A judge will look at the package of documents you sent, along with any evidence the Respondent provides. The judge can then make an order based on the evidence presented and the relevant law.

NOTE: Sometimes the judge will want more information from you before making an order. This may be to get more up-to-date information, or the Respondent might say something in court and the judge wants to hear what you have to say in response. If this happens, the court will make a “Request for Further Information” that details what it needs from you. The court officials will send it to the Reciprocity Enforcement Officer in PEI, who in turn will forward it to you. The information you send back will in most cases have to be sworn, depending on the other

jurisdiction’s requirements. You will provide the requested information to the Reciprocity Enforcement Officer (902-368-6053) at the Honourable C.R. McQuaid Family Law Centre, 1 Harbourside Access Road, Charlottetown, PE. The Reciprocity Officer will then forward that information to the reciprocating jurisdiction. The court case will continue when you return the information.

The court order

When the court has all the information it needs, it may make an order. The court will issue the order, and send it to the Reciprocity Enforcement Officer in PEI, who will then send a copy of the order to you.

NOTE: A judge will not approve your application just because you ask for something. The court will look at all the information it is given, and will make a decision on your application. The court may give reasons for making a particular order, and you may get a copy of those reasons. You may wish to speak to a lawyer as soon as possible if you do not agree with the order.