

Form Support

Request for Support Order (If Respondent Does Not Provide Financial Information)

Form D

Important: This Form Support does not contain legal advice. You may wish to talk to a lawyer for help in making or responding to an application.

Instructions

Once you complete and submit your application for support, it will be sent to the province, territory or country (jurisdiction) where the Respondent resides.

When the application arrives, it will be sent to a court. The Respondent will be notified of your application and will receive a copy. The Respondent will have the opportunity to reply to the claims made in the application. If the Respondent does not submit a response or attend court, or does not file the required Forms and documents, the court can make an order based on the information you provide in this Form.

This Form serves two purposes: it tells the court how much money you think the Respondent makes per year and it also lets the court know how much monthly support you would like the Respondent to pay.

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.
- If you are making your application under provincial or territorial ISO legislation, you must complete either Form A.1 or A.2. If you are making your application under the *Divorce Act*, then you must complete either Form A.3 or A.4.
- Use the tables included in the Form Support Introduction and General Information Guide or consult your provincial or territorial website 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 www.justice.gc.ca or your province or territory's family justice website.

Filling out the Form

If the Respondent does not go to court or does not give the court financial information, this Form is your request to the court to make an order based on the information that you have provided.

Section 1

If the Respondent does not provide sufficient financial information, or fails to appear at the hearing, I ask the court to impute the Respondent's income at \$_per year based on the information provided below

Check the box at the top left of the Form. This is your claim. The amount sought will be determined when you finish completing the Form. This amount will be your best reasonable estimate of the Respondent's income, based on what you know and the information you can find – it is not a made-up amount.

You will need to give the court facts and documents to show the amount is reasonable. If the Respondent does not go to court, or does not produce financial information, the court will be able to make an order based on his or her "imputed income".

Section 2

Based on the Respondent's imputed income, I ask for an order for

There are 6 options. You will fill out one or more of them, depending on your claim.

- **Option A**

Fill in the amount of child support you are asking for in accordance with the applicable child support guidelines. Complete and attach Form C.

- **Option B**

Fill in an amount if you want the Respondent to pay his or her share of the child's monthly special or extraordinary expenses. It should be based on the financial information that you supply in Form I and the Respondent's information that you supply in this form. Complete and attach Form F.

Do not include expenses that you list in Option D (which concerns the net special or extraordinary expenses you pay annually) and Option E (which concerns one-time special or extraordinary expenses).

- **Option C**

Fill in an amount if it is not in a child support guidelines table. Complete and attach Forms C and E. Completing these Forms will let you know the amount of child support to ask for.

Total monthly child support requested

Now, add the amounts that you have filled in for options A, B and C and enter it in the row of bold text between options C and D. This amount should be entered as the total child support amount claimed on Form A.1.

- **Option D**

Fill in this amount for recurring annual special or extraordinary expenses (ones that you pay for every year). You can base this information on answers you provided in this Form and Form I.

Note: While previous options have been calculated on a monthly basis, this is a yearly amount. Complete and attach Form F.

Do not include expenses that you list in Option B (which concerns special or extraordinary expenses you pay monthly) and Option E (which concerns one-time special or extraordinary expenses).

- **Option E**

If applicable, enter an amount for one-time special or extraordinary expenses. You can base this information on answers you provided in Forms F and I, which you should complete and attach.

This figure is a one-time expense, not an annual or monthly expense (for example, a large dental bill).

Do not include expenses that you list in Option B (which concerns special or extraordinary expenses you pay monthly) and Option D (which concerns special or extraordinary expenses you pay annually).

- **Option F**

Fill in an amount if you are asking for support for yourself. You must complete and attach Forms H and I which will provide the amount you should write in this section. This amount should be entered as the total amount of support for yourself claimed on Form A.1.

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.justice.gc.ca.

Section 3

Information about the Respondent's income

The rest of this Form deals with what you know about the Respondent's income sources. This information may be used by the court to impute income if the Respondent does not go to court or does not give the court the financial details it needs.

If the Respondent does not file income documents or go to court, or if the court feels that the income claimed is not a fair reflection of his or her actual income, the court may attribute (impute) income to that person. If the court imputes income to someone, this means that they can set the child support amount based on what the person could reasonably be earning (their imputed income).

You will need documentation that can prove the Respondent's income sources. You may have old documents at home – T4 slips, tax returns, investment statements. Check any of the boxes for which you have evidence. Not all evidence has to be an “official” document.

Example

Anna and Surinder separated four months ago, and Anna moved to Alberta. Surinder and his two children reside in British Columbia. Surinder is now applying for child support.

Surinder knows that Anna worked as a nurse in British Columbia and her salary while doing so. During a telephone call a month ago, she told him that she was starting a new nursing job in two weeks.

In this section, Surinder would check “employment” and attach a document that says where Anna worked and how much she made each year. He would also write something like: “The Respondent told me during a telephone call on (date) that she expected to start a new nursing job on (date)”.

Section 4

I have no information about the Respondent's current income, but

This section attempts to determine the Respondent's income if you do not have evidence to prove what it may be. Use this section if you know the kind of work the Respondent has done in the past.

- **Box 1**

Fill in the Respondent's past jobs and amount of time spent at each job.

- **Box 2**

You will have to determine how much a person who has the same job as the Respondent, and resides in the Respondent's area, might make.

Example

If the Respondent is a nurse, you could go the public library or the internet

(the Working in Canada Tool on www.WorkinginCanada.gc.ca may be helpful) to determine that a nurse with the same amount of training and experience as the Respondent makes \$_____ where the Respondent resides.

Make sure to print out the information you find.

- **Box 3**

Does the Respondent own property or assets that produce income? If so, you will have to provide that information here.

Example

Tricia knows that Helen owns a condo which she rents, but Tricia does not know how much Helen charges. Tricia would research what similar condos in the same neighbourhood are being rented for and produce her findings as evidence.

Other kinds of assets include interest-free loans or property put in another person's name.

- **Box 4**

Check this box if you have additional documents which may help the court impute the Respondent's income.

Section 5

I have no information about the Respondent's sources of income, or past or present work or occupations, however, I have

If you have completed Section 4, you do not have to complete this section.

Complete this section if you know nothing about the Respondent's income sources or occupation.

Example

Marie and Angelo separated many years ago. When they were together, Angelo did not work regularly. He had "odd jobs" as a labourer, bike courier, kitchen helper and farm worker. Marie would use this section.

- **Box 1**

Go to the public library or use the Internet to find information about the average annual income for a person living in the area where the Respondent resides. Print the information you find.

- **Box 2**

Statistics Canada has information showing the average family income for communities across Canada. The court may use the average family income for where the Respondent resides to impute his/her income.

- **Box 3**

If you have any other documents about the Respondent's income sources, list them here.

Finish the Form

Using the information you have given in Sections 4 and 5 determine the amount at which you would like the court to impute the Respondent's income. Fill in this amount in Section 1 at the top of page 1.

Now that you have completed the Form, sign the Form where indicated.