

Family Law

Court Procedure Booklets



3

General Steps to a Court
Order for Child Support

Services

Some of the offices that deal with child support matters are in the Court Services Branch of the Yukon Department of Justice. These offices include the court registry, the Maintenance Enforcement Program and the Child Support Guidelines Office. The Court Services office is on the ground floor of the Law Courts Building on Second Avenue (between Wood Street and Jarvis Street) in Whitehorse. The Court Services telephone number is 667-5441 (toll free 1-800-661-0408, extension 5441). The Sheriff's Office (667-5365; toll-free 1-800-661-0408, extension 5365) and the Law Library (667-3086; toll-free 1-800-661-0408, extension 3086) are also in the Law Courts Building.

Court Services staff, librarians in the Law Library and other government employees cannot provide legal advice. You must consult a lawyer for interpretation of the law that applies to your case and for other legal advice.

About this booklet

This booklet is a brief outline of the general steps to a court order for child support. You should refer to other booklets in this series for more detailed information. The booklets are:

1. List of Key Words;
2. Representing Yourself in Court;
3. General Steps to a Court Order;
4. Applying for a Child Support Order;
5. Changing a Child Support Order (if the parties disagree); and
6. Opposing an Application for Child Support.

Step 1. Court file

Depending on your situation, you may need to prepare a document that will cause a court file to be opened. Talk to a lawyer or call the Law Line for information about what documents may apply to you.

Step 2. Financial information

A Financial Statement needs to be filed in all child support matters. The Financial Statement must be sworn before a Notary Public. Financial information includes everything needed for a judge to determine how much child support should be paid according to the Child Support Guidelines.

The information in this booklet is believed to be correct as of its date of publication. Please note, however, that although this booklet is written to help you through the court process, it does not replace the advice of a lawyer in private practice or through Legal Aid. You may also get information from the Yukon Public Legal Education Association (YPLEA), also called the Law Line. You should also note that the Law Society of Yukon has a list of lawyers who will provide a half hour session for a set rate. Further, some lawyers do "pro bono" work (free or at a reduced rate).

Step 3. Notice of Motion and Notice of Hearing

The Notice of Motion says what you are requesting from the court, what documents will be presented to support your request and what law applies to your application. The Notice of Hearing gives the date and time of the court hearing. The Notice of Motion and the Notice of Hearing are filed with the court registry in Court Services.

Step 4. Affidavit

This is the document that states any information that you want the judge to know. You must swear your Affidavit before a Notary Public. There is a Notary Public available at the Sheriff's office and at the court registry in Court Services.

Step 5. Document copies

You need three copies of each document plus the original. The original of each document is filed and kept in the court registry, one copy is for each party and the other copy is attached to the Affidavit of Service.

Step 6. Court date

Go to the court registry in Court Services to obtain a date for court.

Step 7. Document filing

The clerk in the court registry will file your documents (e.g. Notice of Motion, Notice of Hearing, Affidavit and Financial Statement) and return copies to you.

Step 8. Application to the other party

While you may deliver the court documents you have filed to the other party, the more common procedure is to have the Sheriff's Office serve them. An Affidavit of Service filed with the court registry indicates that the other party has received the documents. The other party must receive copies of all documents that you file with the court registry.

Step 9. Response

The other party responds to the application by filing a Respondent's Response to a Notice of Motion. If the other party opposes (disagrees with) the application, the other party also files an Affidavit for the judge to consider.

Step 10. Court

Court may be a Chambers hearing (which is usual in child support matters) or a trial. If you and the other party come to an agreement before the court date you may want to prepare a consent order (signed by both parties) for a judge to approve.

Step 11. Written order

1. The applicant prepares the written order. The order must be typed. (A computer in the Law Library is available for this purpose.)
2. The parties or their lawyers sign the order.
3. The order is filed with the clerk of the court.

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This publication is **number 3** in a series published by the Department of Justice. These easy-to-understand publications provide information about court procedures related to family law:

- ① List of Key Words
- ② Representing Yourself in Court
- ③ **General Steps to a Court Order**
- ④ Applying for a Child Support Order
- ⑤ Changing a Child Support Order
- ⑥ Opposing an Application for Child Support

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