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## **8** Financial Statements

### Family Court of the Superior Court of Justice

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# A Guide to Procedures in Family Court

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*This guide does not provide legal advice.  
It is recommended that all parties in the  
Family Court seek legal advice where possible.*

# Part 8: Financial Statements

## What is a Financial Statement?

A Financial Statement provides the court with a snapshot of your income, expenses, property and debts at a specific point in time.

The court needs this information in cases where it must decide whether a person is entitled to support from a parent, spouse or partner, or where a property claim is made.

In a Financial Statement, you will be required to give detailed information about:

- The amount and sources of your income;
- Monthly living expenses for you and your dependants, including any children living in your home;
- Your property and debts.

## What kinds of cases require a Financial Statement?

A Financial Statement is required in cases involving claims for support, for property, or for exclusive possession of the matrimonial home and its contents.

For more information about these types of claims, refer to the booklet “*What you should know about Family Law in Ontario*” available at <http://www.attorneygeneral.jus.gov.on.ca/english/family/famlawbro.asp>

## Who is required to complete a Financial Statement?

Generally, you must complete a Financial Statement if you are making or responding to a claim for:

- Support
- Property
- Exclusive possession of the matrimonial home and its contents.

You must complete, serve and file a Financial Statement even if you are not answering or responding to the claim.

## Who is NOT required to complete a Financial Statement?

You do not need to complete a Financial Statement if:

- **You are asking for support and:**
  - Your only support claim is for child support in the table amount specified under the Child Support Guidelines; and
  - You are not making or responding to any claims affecting property or exclusive possession of the matrimonial home and its contents.
- **You are a party to claim for spousal support under the *Divorce Act* (Canada), and you and the other party have filed a consent agreeing:**
  - Not to file a Financial Statement;
  - To a specified amount of support; or
  - To no support.

- You are a party to a claim for custody and/or access, and there are no claims for support or property.

For more information about claims under the Child Support Guidelines, refer to the website at <http://www.attorneygeneral.jus.gov.on.ca/> or visit the Family Law Information Centre in the court location nearest you.

**Note that you must complete a Financial Statement if the court orders you to do so.**

## Which Financial Statement do I complete?

There are two Financial Statement forms, **Financial Statement (Support Claims) – Form 13** and **Financial Statement (Property and Support Claims) – Form 13.1**. You must complete one of these forms depending on the specific circumstances of your case.

Use **Form 13** if you are making or responding to a claim for support, but are not making or responding to a claim for property or exclusive possession of the matrimonial home and its contents.

Use **Form 13.1** if you are making or responding to a claim for property or exclusive possession of the matrimonial home and its contents, whether a claim for support is also included or not.

**Form 13: Financial Statement (Support Claims) sworn/affirmed**

**Form 13.1: Financial Statement (Property and Support Claims) sworn/affirmed**

**INSTRUCTIONS**

USE THIS FORM IF:

- you are making or responding to a claim for property or exclusive possession of the matrimonial home and its contents; or
- you are making or responding to a claim for property or exclusive possession of the matrimonial home and its contents together with other claims for relief.

DO NOT USE THIS FORM AND INSTEAD USE FORM 13 IF:

- you are making or responding to a claim for support but NOT making or responding to a claim for property or exclusive possession of the matrimonial home and its contents.

My name is (full legal name) \_\_\_\_\_

I live in (municipality & province) \_\_\_\_\_

and I swear/affirm that the following is true:

My financial statement set out on the following (specify number) \_\_\_\_\_ pages is accurate to the best of my knowledge and belief and sets out the financial situation as of (give date for which information is accurate) \_\_\_\_\_ for \_\_\_\_\_

Check one or more boxes, as circumstances require.

me

the following person(s): (Give name(s) and relationship to you.) \_\_\_\_\_

## When do I need to provide more financial information?

### Updating information before any case conference, motion, settlement conference or trial

You are required to update your Financial Statement at each new stage in the case. If the previous Financial Statement filed is more than 30 days old, you must serve the other party and file with the court:

- A new Financial Statement (Support Claims) – Form 13 or Financial Statement (Property and Support Claims) – Form 13.1 (if applicable);

**OR**

- An Affidavit – Form 14A indicating either that there is no change from the last financial statement filed or that the changes are minor (include details of any changes).

Updated financial information must be served and filed according to the chart below.

### Correcting information

As soon as you find out that the information in the Financial Statement is incorrect or incomplete, or there is a material change in your circumstances that affects the information in the Financial Statement, you must serve on every other party to the case and file with the court:

- A new Financial Statement – Form 13 or Form 13.1 (if applicable) with updated information;

**OR**

- If changes are minor, an Affidavit – Form 14A setting out the details of these changes.

Step in case	Who serves and files financial statement first?	When?	When does responding party serve and file?
Case/settlement conference requested by a party	Requesting party	At least 7 days before the date of the conference	At least 4 days before the date of the conference
Case/settlement conference not requested by a party	Applicant	At least 7 days before the date of the conference	At least 4 days before the date of the conference
Motion	Party making the motion	At least 7 days before the date of the motion	At least 4 days before the date of the motion
Trial	Applicant	At least 7 days before the date of the trial	At least 4 days before the date of the trial

## How do I fill out a financial statement?

Staff at the Family Law Information Centre can provide you with court forms and can answer general questions about the court process. This section provides tips on how to fill out the Financial Statement form that applies to your case.

### General tips:

1. **Be neat.** These are court documents and the court will not take them if they are not neat or the court cannot read them. **All court forms must be typed or printed.**
2. Fill in the name and address of the court where the application was filed at the top of all court documents.
3. Once court staff have provided a **court file number**, make sure it is on the upper right-hand corner of **all** of your documents.
4. Make enough **copies** of your completed forms. In most cases you will need to make two copies: one to serve on the other party and one for your files. The original will be filed with the court in the Continuing Record.
5. When completing the forms, you are asked to fill in the address where documents can be served on you. If being served at your home address would put your physical safety at risk, speak to court or Family Law Information Centre staff about using an alternative address.
6. Read the **instructions** on the first page of the Financial Statement to make sure you are completing the correct form. It is a good idea to read the form through

once to see the type of questions being asked and then complete it.

7. Do not complete the entire Form 13 if you are only responding to a claim for child support in the table amount specified under the Child Support Guidelines, and you agree with the claim. In that case, you only need to complete parts 1, 2 and 3 of Form 13.
8. The Financial Statement generally sets out your financial situation. You may also be required to provide information about the financial situation of other people in your household. For instance, if you are making or responding to a claim for undue hardship, you must include income information for everyone in your household. If you are sharing expenses with a partner, you should also indicate this and provide that person's income information.
9. Sign at the end of the Financial Statement. The person signing is swearing or affirming that the Financial Statement is true. **It must be signed in front of a commissioner for taking affidavits.** This can be done at a lawyer's office, at a legal aid clinic, or at the court office. There may be a small fee for this service.

### Tips on filling out the following parts of the forms:

#### Income and Expenses: Parts 1 to 4

When you calculate monthly income and expenses, give the current actual amount if you know it or can find out. To get a monthly figure, multiply any weekly income by 4.33 or divide any yearly income by 12.

Give your income, automatic deductions from income and monthly expenses for the

12 months immediately preceding the making of the statement.

In each table, space is provided under “Other” for items that should be included in the section, but which are not specifically listed in the table. Attach an extra sheet listing these items if there is not enough space in the box under “Other.”

If you include a proposed budget, photocopy Part 4, complete it, change the title to “Proposed Budget” and attach it to the form. A proposed budget is not mandatory. You may want to include a proposed budget if you are claiming spousal support and/or a contribution towards special expenses for children. A proposed budget can show how you propose to spend the money you are requesting.

**Other Income Information: Part 5**

Attach to the form copies of your income tax returns and notices of assessment for the past three taxation years. If you do not have this information, complete Direction to Canada Customs and Revenue Agency – Form 13A and attach it to the form, or include a statement from the Canada Customs and Revenue Agency that you have not filed any income tax returns for the past three years.

Do not attach a tax return for the past three years if you are an Indian within the meaning of the *Indian Act* (Canada). Indicate in the appropriate box if this is the case.

You must file the Financial Statement in the Continuing Record with the past three years notices of assessment or Form 13A. You are not required to file the past three years income tax returns in the Continuing Record, unless the court orders otherwise.

Refer to the Child Support Guidelines to find out whether you must attach other income information to the form. For more information about claims under the Child Support Guidelines, refer to the website at <http://www.attorneygeneral.jus.gov.on.ca/> or visit the Family Law Information Centre in the court location nearest you.

**Other Income Earners in the Home: Part 6**

Read the instructions to determine whether you need to complete this part. Complete this part only if you are making a claim for undue hardship or for spousal support.

**Property and Debts: Parts 7 to 9 (Form 13) and Parts 7 to 12 (Form 13.1)**

If any sections in parts 7 to 9 (Form 13) or parts 7 to 12 (Form 13.1) do not apply, do not leave the section blank. Instead, print “NONE” in the section.

For parts 7 to 8 (Form 13.1), show items owned on the dates in each of the columns listed. Under Part 7, show any items you owned on the date of marriage, even if you disposed of those items before the valuation date.

**Changes in your financial situation: Page 6 (Form 13) and Page 9 (Form 13.1)**

Make sure you indicate in the appropriate box whether you expect or do not expect **changes in your financial situation**. If you expect changes in your financial situation, list them.