

The Financial Statement (Form K) is the biggest form in your application package. Parts of it look like an income tax return. Other parts are included because they are normal in most family law applications. The information you are asked to give in Form K is no different than if you and the other person lived in the same province, territory, or country.

In your case, the respondent lives in a ‘reciprocating jurisdiction’. The court where the respondent lives will make your support order. When you fill out Form K – and all the other forms you need – it is as if you are in court too. Your information is ‘under oath’, and is evidence. You can help the court by giving it all the information it needs to make a decision.

Who needs to fill out Form K?

To start with, when the child support guidelines are used (and the courts *must* use them), the amount of support is calculated using the income of the person who pays. But, as you know from reading the FormSupport guides which go with the other forms, there are times when a person asks the court for a different kind of order. The short answer is:

If you are (or hope to be) receiving support

If your *only* claim is for child support at the ‘table amount’, and you filled out Form E, but not any of Forms G, H, J, L, or M, you do not have to fill out Form K at all. But **if you have asked for**

- an amount different than the ‘table amount’
 - special expenses
 - support for yourself
 - support for any child over the ‘age of majority’
 - support for a child in a split or shared custody arrangement
 - a non-table amount due to an undue hardship claim
 - a non-table amount due to the respondent’s high income
 - a change to the order you have now,
- then you must fill out Form K.**

There is another reason for filling out Form K too. If you think the respondent will or might disagree with your application, filling out Form K now will save you a lot of time later. Here’s a simple example:

Nicky makes an application for support for the two children. The child support guidelines table amount will be fine with her, based on Rocky’s income, so she doesn’t include Form K. Rocky goes to court and hands in a claim of undue hardship, asking the court to make a non-table support order. The court (in another province, far away) adjourns the case to another day, 6 months away.

The court officials send a notice and request for financial information back to Ontario, and Nicky then fills out Form K, plus a document called a Affidavit. That information goes back to the reciprocating jurisdiction. In the end, the court made the support order based on the ‘table amount’, but Nicky and the kids had to wait for many months. She knows that Rocky had the right to make his undue hardship claim, but didn’t expect it. She wished she’d included the Financial Statement right from the beginning.

So, if you are making any of the claims marked with the check boxes, you need to fill out Form K. If you are making a plain, simple claim under the child support guidelines, taking the time to fill out Form K now may be in your best interests. This FormSupport guide can tell you when you *must* fill out Form K. For other situations, the choice is up to you.

If you are the person paying support

The tables for the child support guidelines are based on the income of the person who pays support. If you are that person, and you are making any kind of application for an order, you must fill in a Form K.

