

Checklist of information to include in an affidavit or present in court

Note: This checklist doesn't contain information about dividing property, assets, or debts. If you have questions about the family home or division of family property or a family business, see a lawyer.

The information that you need to put into your affidavit (in Supreme Court) or present in person (in Provincial Court) depends on your particular case. Below are suggestions for what you might include. This list isn't complete and you must tailor it to fit your circumstances, but it can help you get started. It includes the kind of information a judge/master needs if you apply or respond to an application for parenting or child/spousal support orders. Use only those sections that relate to your kind of application.

Use this list to guide you when you prepare to:

- apply for an interim (temporary) order,
- apply to change, suspend, or terminate an order,
- apply to enforce an agreement,
- apply to set aside all or part of an agreement, or
- respond to an application for any of the above by the other party.

Background of both parties

Include the following information in all family applications:

- Give the age and birthdate of both parties.
- When did you move in together and/or get married?
- Where did you live when you were together?
- Provide the names and birthdates of any children.
- When did you separate?
- Where does each party live now?
- Who lives with each of them now (for example, children, new partner, stepchildren, roommate)?
- What is the education level of each party?
- What are both parties' current jobs?

Role of each party during the relationship

Include the following details in your application or response to an application for parenting or support orders.

Give a summary of each of your significant responsibilities/jobs/contributions to the household. For example:

- The wife worked while the husband went back to school to upgrade his skills to be able to get a better-paying job.
- The wife wasn't able to take ESL courses because they couldn't afford a babysitter.
- You have two children and you both agreed that one of you would stay home full-time after the birth of the first child.

The children

Include the following details only in your application or response to an application for parenting orders. If you aren't applying for parenting orders, include only the bare facts (names, ages, and birthdates of children).

- Give ages and full dates of birth for each of the children.
- Provide the name of your daycare, preschool, and/or school (list the grade each child is attending) and give a description of any successes/problems at school.
- List the children's extracurricular activities or special interests, if any.
- List any medical problems or special needs the children have.
- Provide the financial cost of each child's education, medical, or other special expenses.

Parental responsibilities

Describe the following details in your application for parenting orders or if either party's ability to pay support is in question:

- Typical parenting responsibilities of each parent before the separation (this is especially important if the separation is very recent, and parenting arrangements are an issue).
- Who changed diapers?
- Who made bottles/gave night feedings?
- Is the baby breastfed?
- Who attended PAC meetings and parent-teacher conferences?

- Who took children to doctors, other appointments, and extracurricular activities?
- Who shopped for groceries and prepared meals?
- Did one parent do the bulk of child care work (describe) or was it evenly shared?
- Who are the children most bonded to, and what have you seen that makes you say that?
- Typical parenting responsibilities of each parent since the separation (this is especially important if you separated quite a while ago, and you can't agree about how to divide or share parenting time and parental responsibilities).
- If parenting responsibilities are/were lopsided (one person is doing most of the work) explain why.
- The steps you've taken (if any) since you separated to reduce disruption in your child's life. For example, if you moved to a smaller home, but stayed in the same neighbourhood so daycare and school wouldn't change; if you maintain maximum contact between the children and the other parent; if you maintain family traditions of dinner on Sunday night with grandparents, etc.

Extended family

Include the following details if they're relevant to an application for parenting orders:

- any extended family members (include their relationship and where they live) with whom the child has a relationship
- your relationship to those family members — on both sides of the family
- how those relationships are being maintained since the separation
- your plans, if any, for how to continue those relationships

Finances

For spousal support

Include the following details in your application or response to an application for spousal support:

- Provide a brief summary of your education and work history.
- List your absences, if any, from the work force and describe the reasons for them (for example, illness, injury, children, staying home to be a homemaker).
- Describe your current job and income, and list the source and amount of your income for the last three years.

- Identify your reasonable needs and how much more money you would need to meet these needs.
- Identify anything that keeps you from earning a reasonable living (for example, caring for young children, a physical disability, or a need to upgrade or refresh your skills).
- State how long it would take and what steps you need to take to be able to earn a reasonable living (for example, give the name of a course you would need to take, the institution where you would take it, when it starts and finishes, and how much it would cost).
- Attach documents that prove your statements as exhibits to your affidavit, wherever possible. For example:
 - doctor's reports about any disability that prevents you from working,
 - invoices for upgrading courses, and
 - copies of tax returns or pay stubs, if they aren't already in your financial statement, to prove your income.
- Describe the other party's education, work history, current job and present income level.
- Identify any assets that could be used for support (for example, an RSP in your spouse's name alone).

For child support

Include the following details in your application or response to an application for child support:

- Your current finances (unless the payor's income changes significantly from month to month or year to year). In these applications, you don't usually need to review your work history or education in any detail.

If you're only seeking basic support, you don't need to list your income.

- Your spouse's current income. Attach his or her pay stub or a copy of an income tax return, if available; otherwise, rely on your spouse's financial statement.
- Any inaccuracies in your spouse's financial statement, if you believe it is inaccurate. List the inaccuracies and give the reasons for your belief.
- If you claim special or extraordinary expenses, identify each expense claimed, identify the child it's claimed for, and provide proof of the expense (for example, attach the invoice from the orthodontist as an exhibit).
- Set out your monthly costs (as support will be ordered on a monthly basis).

- Say whether medical, dental, or extended health care benefits are available through your employer or the other party's employer.

Family dynamics

Include the following details in your application or response to an application for a family law protection order or parenting order (if the other party doesn't agree with your application), or if they're relevant to a spousal support application:

- Describe how you and the other party communicate; give recent examples, particularly if there are problems (for example, can you discuss matters calmly or is there a lot of hostility and intimidation in your communications?)
- Is there family violence? If so, describe it as specifically as possible. (For example, is there physical abuse, verbal abuse, emotional abuse, controlling behaviour, threats, or intimidation? If so, describe them and outline specific recent incidents.)
- If anyone has been injured by the family violence, describe the injuries and attach doctor's notes, if any.
- Focus on the most recent incidents (as close in time as possible to the court application) and any particularly significant event.
- Get and attach copies of police reports, charges, and peace bonds, if any.
- The level of detail required about violence depends on what you're asking for in court: a family law protection order will require the most detailed evidence.
- Describe any exposure your children have had to violence or abuse.
- Describe any steps taken to help children deal with the abuse.
- If you're afraid of your spouse, say so, and clearly state the reasons for your fear; support those reasons with examples of your spouse's behaviour that cause the fear.
- Describe any drug or alcohol abuse by a parent or new partner that affects the children's safety or care.
- Describe any child abuse (for example, harsh corporal punishment or neglect by one parent or his or her new partner).
- Describe the Ministry of Children and Family Development's involvement with your family, if any.

Parenting time/Access/Contact with a child

Describe the following in your application or response to an application for parenting orders if they're relevant to your case:

- if either parent works or works shifts that could affect his or her ability to spend time with the children
- how much time the children have spent with each parent since you separated (for example, alternate weekends with each parent, weekdays with applicant)
- any special events/occasions for which you or the other parent particularly want the children, especially if you're fighting about this

Other information

Include the following in your application or response to an application for parenting orders if they're relevant to your case:

- any religious, spiritual, or cultural values that are important to both parents in your children's upbringing, especially if one parent has taken a lead or there's conflict
- your religious, spiritual, and/or cultural activities before the separation
- any additional languages the children know (for example, if the children speak Chinese as a result of time spent with parent or grandparent)

Sometimes helpful

Include the following details in your application or response to an application for parenting orders if they're relevant to your case:

- affidavits from friends, neighbours, or family members that support your case
- letters of support may be helpful, but aren't as good as affidavits or direct testimony (the judge may or may not take letters seriously)
- photographs of your children with you and with extended family (these aren't usually included, but may be helpful.)
- copies of calendars or journals that show time requested and/or spent with each parent