

THE FAMILY LAW GUIDE FOR NEWFOUNDLANDERS AND LABRADORIANS



Public Legal
Information
Association of NL

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Public Legal Information Association of Newfoundland and Labrador (PLIAN) is a non-profit organization dedicated to educating Newfoundlanders and Labradorians about the law. We provide public legal education and information services with the intent of increasing access to justice.

We hope this booklet will provide readers with general information about family law as it pertains to people living in Newfoundland and Labrador. There have been changes in family law which impact the legal rights and obligations of individuals and families.

The information provided in this booklet is not intended as legal advice, but rather to provide a general overview. In order to discuss your specific situation, we suggest you speak with a lawyer who practices in family law.

PLIAN would like to acknowledge the financial contribution of the Department of Justice Canada who funded the research, writing, printing and distribution of this booklet. PLIAN would also like to acknowledge the many others who have assisted in the review and editing of various sections of this text. Everyone's contributions are greatly appreciated.

This booklet was based largely on the original and second edition of the "Family Law Guide for Women in Newfoundland and Labrador." That booklet has provided helpful family law information for people in our province over the years. We hope the new "Family Law Guide for Newfoundlanders and Labradorians" will also be a useful source of information.

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ISBN 978-1-894829-60-1

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FAMILY LAW COURTS IN NEWFOUNDLAND AND LABRADOR

Family law cases in Newfoundland and Labrador are heard in Provincial or Supreme Court depending on where the parties involved live and the issue(s). Below we try to provide some general information to assist people when deciding which court to use. However, it is strongly suggested that individuals speak with a family law lawyer if they are unsure which court should be handling with the case. Filing documents with the wrong court can lead to significant delays.

Both the Supreme *and* Provincial Courts of Newfoundland and Labrador hear family matters dealing with custody, access, child support, and spousal support. *However*, only the Supreme Court has the authority to deal with divorce and division of matrimonial property. It should also be noted that only the Supreme Court can hear applications to vary custody and support orders it issues as part of, or after, a divorce proceeding. The Provincial Court cannot vary a custody or support order which was issued in Supreme Court.

Unified Family Court

The Unified Family Court is a division of the Supreme Court of Newfoundland and Labrador. It hears family matters in the St. John's metropolitan area, Mount Pearl, and along the east coast as far north as Terra Nova Park (including the Bonavista Peninsula).

The Unified Family Court is located at 21 King's Bridge Road in St. John's. The Supreme Court judge from Grand Bank also hears matters for Unified Family Court. The judge holds a regular circuit court in Clarenville. This is normally done by videoconference from Grand Bank. Family matters from the Bonavista Peninsula, west to Terra Nova Park, and east to Whitbourne are heard during those sessions.

What about people who live outside the area serviced by the Unified Family Court?

Depending on the legal issue(s), family law applicants living outside of the area serviced by the Unified Family Court should either go to their local Provincial Court or the Supreme Court responsible for hearing cases in their region. Again, it is important to note that only the Supreme Court can deal with divorce or division of matrimonial property.

Court Services in a Language Other Than English

If a person requires court services and/or forms in a language other than English, we suggest contacting the relevant court to inquire what services/forms are available.

FAMILY JUSTICE SERVICES

The Family Justice Services Division (FJSD) offers services that assist families in resolving their own separation and divorce issues. It is a division of both the Supreme (Trial Division - Unified Family) and Provincial Courts of Newfoundland and Labrador.

FJSD places emphasis on the needs of children and promotes dispute resolution outside the Court. Dispute Resolution occurs when parties talk to a neutral person to explore ways to resolve their family law problems.

FJSD provides the following services:

- Intake Services- assessment of needs
- Parent Information Sessions on family law and parenting after separation
- Dispute Resolution Services in cases of custody, access, child support and spousal support
- Individual and group counseling for parents and children where appropriate
- Recalculation of Child Support

FJSD does not provide services in relation to property division or child protection.

The Division does not provide legal advice. It is recommended that parties obtain legal advice.

How to Access Family Justice Services

There are two ways to access Family Justice Services, a Request for Service or a formal court application.

Request for Service- Where both people want to work out their problems outside of the court process they can access dispute resolution services through a

Request for Service. Both parties must complete and sign a Request and forward to the nearest FJSD office. The Request for Service form is available at all court locations and FJSD offices. It should also be available online soon on the FJSD website. Go to the Law Courts of Newfoundland and Labrador website (<http://www.court.nl.ca/>) and follow the link to Family Justice Services Division.

Court Application – Upon making application directly to court for child support, spousal support, custody or access the application will be forwarded to FJSD for services.

Intake

Once the court application or Request for Service is received at FJSD, the parties involved will be contacted to arrange individual initial appointments (Intake). The Intake interview is a private meeting with the Family Justice Mediator.

Some of the topics which may be discussed at intake are:

1. Past and present parenting arrangements
2. Financial support for children
3. Financial support for former spouses
4. Assessment of safety issues
5. Communication between parents
6. Possible contact with other professionals including a lawyer
7. Outstanding issues between parents
8. Detailed discussion of individual concerns
9. Discussions of options for Dispute Resolution
10. Other issues

Following Intake, both parties are informed of the next steps in the Dispute Resolution process.

Parent Information Program

The Division offers a three hour parent information session called “Living Apart.... Parenting Together”. The session helps parents make careful and informed decisions about their separation and any conflicts that may arise from it. It helps parents make decisions which will take into account the best interests of child(ren).

The program is mandatory for parents who are involved with family court applications. Parents may attend this program without having to make a court application

Topics covered at “Living Apart.... Parenting Together” include:

- The separation experience from both the child’s and the parent’s perspective
- Family Law information
- Services offered by FJSD
- Children’s developmental issues
- Communication skills
- New partner issues

Parents of the same child(ren) cannot attend the sessions at the same time.

The sessions are delivered at FJSD offices throughout the province.

There are no fees charged for these sessions.

Child care is not provided.

Children may not attend as it is a parent-only program.

There is a DVD version available for parents who are unable to attend scheduled sessions.

Dispute Resolution

Dispute Resolution is a way to work out legal disputes outside of the courtroom. Mediation is one form of Dispute Resolution and occurs when two or more people involved with a problem talk to a neutral person to explore ways to reach an agreement. This process gives people the power to make their own decisions and to settle problems out of court.

FJSD offers mediation in the following aspects of family law:

- custody
- access
- child support
- spousal support

Dispute Resolution Options include:

1. In-Person mediation – both people meet with a neutral third party where safety concerns are not at issue.
2. Mediator as a go-between – The people do not meet face to face. Each party has individual contact with the mediator.
3. Telephone negotiation – Where parties do not live close together the mediator may have contact with one or both by phone.

In most Dispute Resolution cases, a mediator:

- Contacts both parties
- Decides on how to proceed with Dispute Resolution
- Helps define issues from both perspectives
- Keeps discussions on track
- Helps with communication
- Assists the people brainstorm and evaluate options
- Helps the people reach their own agreement

There are no fees charged for Dispute Resolution services in these cases of custody, access, child support and spousal support.

Safety issues for both children and parents will always be a primary consideration and will be considered when determining the appropriate type of dispute resolution.

A party’s lawyer may attend the Dispute Resolution sessions only when both parties agree and the mediator feels that this would not create a power imbalance. The lawyer’s role is to assist to reach a settlement of the outstanding issues.

FJSD mediators do not represent either party nor provide legal advice. It is recommended that parties obtain independent legal advice.

What Happens After Dispute Resolution?

If an agreement is reached, the mediator provides information about how to formalize the agreement. Parties are encouraged to seek legal advice on all agreements. An agreement is not binding until it’s signed and filed with the Court. If an agreement is not reached, the issues can go before the court.

Counseling Services

Counseling (when deemed appropriate) is available for families who are involved in the Dispute Resolution process.

Counseling may be provided where:

- Children or parents need help adjusting to separation.
- Parents are not emotionally ready to participate in mediation.

- There have been breakdowns in parent-child relationships
- Families are having difficulty with communication following separation
- Families are requesting help dealing with new relationships (eg. step-parenting).

There are no fees charged for Counseling services.

Family Justice Counselors work to help parents respect their children’s needs and feelings.

Unlike in mediation, counselors are not neutral. They represent the best interest of children and are often the voice for the child. The Court may ask the counselor to make recommendations.

Locations:

There are 11 Family Justice Services offices located throughout the Province.

Avalon Region:

- St. John’s.....709-729-1183
- Carbonear709-945-3137

Central Region:

- Clarenville.....709-466-4036
- Marystown709-891-4138
- Gander.....709-256-1205
- Grand Falls-Windsor.....709 -292-1194
- Lewisporte.....709-535-3212

Western Region:

- Corner Brook.....709 -634-4174
- Stephenville.....709-643-8396

Labrador Region:

- Labrador City.....709-944-3209
- Happy Valley-Goose Bay709-896-7904

LEGAL AID

Legal Aid is a program available to help people with serious legal problems who are in financial need and cannot afford a private lawyer. Legal Aid in Newfoundland and Labrador is funded by the Government of Canada, the Newfoundland and Labrador government, and the Law Foundation of Newfoundland and Labrador.

In many cases, Legal Aid may be provided without charge, but not always. In some cases, the person receiving Legal Aid may be required to pay some of the cost of the coverage he/she receives. In order to determine whether someone can afford to cover part of the cost, and if so, what portion they will be asked to pay, the Newfoundland and Labrador Legal Aid Commission will consider his/her financial situation.

How To Apply For Legal Aid?

A person can apply for Legal Aid by contacting one of the nine offices located throughout the province. The addresses and telephone numbers for these offices can be found at the back of this booklet. Applicants are encouraged to call ahead and arrange an appointment rather than drop in. This ensures that there will be an intake worker available to meet with the applicant. Intake workers are not lawyers. When calling to set up an initial appointment, the applicant should inquire what type of documents, if any, are needed for the appointment.

If an application for Legal Aid is refused, there is an appeal process. For more information about that process, contact the Legal Aid Commission. There are appeal deadlines, so you need to ask about them.

What Types of Cases Do They Handle?

There are various types of cases which may qualify for Legal Aid assistance including criminal, youth justice, family, immigration and civil/administrative matters. They do not automatically handle cases which fall into these categories. Legal Aid looks at various factors when deciding if the case is one for which they will provide representation. For example, in the case of family law matters they may deal with divorce, separation, custody, and access. However, child and spousal support matters are only handled when they either arise during divorce proceedings or if the other person involved has hired private legal counsel.

An unrepresented person involved in a child or spousal support matter *might* qualify for Legal Aid if the other party has a lawyer. If the unrepresented person finds themselves in this situation and would like Legal Aid representation, they should contact Legal Aid to inquire about making an application. A postponement of a court hearing might be granted upon request if the unrepresented person in such a situation is in the process of applying for Legal Aid. It should be noted that an application for postponement should be made at the earliest opportunity and NOT left until the last minute. It is up to the judge whether it will be granted, after consideration of various factors.

MARRIAGE

Marriage is a binding legal contract which affects legal rights and responsibilities. In Newfoundland and Labrador, the legal requirements for getting married can be found in the *Solemnization of Marriage Act*. This Act can be accessed via the House of Assembly page on the Government of Newfoundland and Labrador website (<http://www.hoa.gov.nl.ca/hoa/>)

Who Can Marry?

To marry in Newfoundland and Labrador a person must be 19 years of age or older. If a person seeking to get married is younger than 19, the *Solemnization of Marriage Act* requires that written consent be provided. This consent can be given by either parent, a custodial parent (in cases of parental separation), a legal guardian, or the Director of Child Welfare (where applicable). The person who issues marriage licences may waive the need for written consent in special circumstances.

In Newfoundland and Labrador, any single, adult person (19 years of age or older) can marry any other single adult. Existing requirements for getting married in Newfoundland and Labrador apply to same-sex couples.

The Marriage Licence

One of the initial stages in the process of getting married is obtaining the marriage licence. Applications for a marriage licence must be made in person to a marriage licence issuer. People authorized to issue marriage licences are located across the province. To request a listing of marriage licence issuers, contact Vital Statistics (contact information provided in “Resource List” section at end of this booklet). While only one

of the people seeking to get married needs to appear in order to make the application, specific documentation is required. Applicants should be sure to ask the marriage licence issuer in advance what is required. There is a fee charged for having a licence issued.

There are various waiting periods involved after you make your application before it will be issued. This should be checked into well in advance of a planned wedding date.

If an applicant has been previously married, he/she must present the original Decree Absolute or Certificate of Divorce. If the documents are in a foreign language, the original plus a notarized translation must be provided. If either of the persons seeking to get married were divorced in a foreign jurisdiction, he/she will be asked to provide a letter from a practicing Newfoundland lawyer stating that he/she is eligible to marry in Newfoundland and Labrador.

The Marriage Ceremony

The marriage ceremony is the final step when getting married. It can be civil or religious. Religious ceremonies may be performed by the registered religious representative of your choice. A civil ceremony is conducted by a marriage commissioner. A listing of marriage commissioners across the province can be found on Vital Statistics’s website (see back of booklet for contact information). Most religious organizations have at least one person on staff who is legally entitled to perform marriage ceremonies. It should be noted however that many religious organizations will not perform marriage ceremonies for same sex couples. If you are a same-sex couple, your option will likely be limited to a civil ceremony.

CHANGE OF NAME

There is legislation in Newfoundland and Labrador called the *Change of Name Act*. This Act can be accessed via the House of Assembly page on the Government of Newfoundland and Labrador website (<http://www.hoa.gov.nl.ca/hoa/>)

A person does not necessarily have to go through a legal process in order to change his/her name. For example, a person can change their name without having to go through a formal name change if he/she is:

- using a spouse's surname or a combination of both surnames when getting married;
- returning to a previously used surname, either during marriage or after a marriage breakdown; or
- using the surname of a step-parent or a foster parent, as long as the person seeking the name change has been known by that surname during childhood.

Changing a name under any other circumstances will require an application to the Vital Statistics Division of the Newfoundland and Labrador government.

A person must have resided in Newfoundland and Labrador for at least 6 months before applying for a name change. The applicant must be 19 years of age or older to do so. If the applicant is under 19, a parent or legal guardian must complete the process.

What is the legal process for changing one's name?

If a legal change of name is required, an applicant must fill out the appropriate application form, which is available from the Vital Statistics Division.

Vital Statistics will advise what other documentation may be required, and the required fee for filing the application.

If a person is seeking to legally change their surname, he/she must first publish the proposed surname in the Newfoundland Gazette (see contact information in "Resources" section at end of booklet). This must be done no more than 2 months before making the application to Vital Statistics. A fee will be charged for publishing in the Gazette.

Naming Children

A child's name is officially registered by completing a Return of Birth form which is available from Vital Statistics. It is also sometimes available at churches and can be completed by the presiding official at a child's baptism, christening, or dedication.

If the biological parents are married, a child may be given the mother's surname, the father's surname or a hyphenated combination of both surnames. Generally, when the parents are married to each other and using the same surname, the child is given that surname. If they are not using the same surname, they may choose any of the options mentioned above.

If the biological parents are not married, the child is given the mother's surname—unless the parents have completed a Declaration for the Purpose of Assigning a Surname (DPS form). The DPS form provides the joint consent of both parents which is necessary if the parents agree to have the name of the father stated on the child's birth registration. Through use of the DPS form, the parents also may choose to give their child the mother's surname, the fathers' surname or a hyphenated combination of both surnames. Both biological parents must sign and the form must be properly witnessed. If either, or both of the biological parents are under 19 years of age, the child's grandparents might also be required to sign the DPS form.

How to Change a Child's Name?

If a parent decides to change a child's name after it has been registered, the

procedure depends on how the child was named at birth. For example, if the biological parents of a child were ever married to each other then the consent of both parents is needed for a name change. If one parent refuses, the other can go to court to ask a judge to authorize the name change without the other parent's consent. It must be proven that the name change is in the best interests of the child. It is important to remember that if the child is 12 years of age or older, their consent is needed for the change to take place.

If the biological parents of the child have never married, the parent with lawful custody may apply to change the child's name. If custody is joint, the consent of both parents will likely be needed.

All forms necessary for name changes are available from Vital Statistics.

DOMESTIC CONTRACTS

A domestic contract is an agreement between two people who are, or have been, in a relationship. There are three common types of domestic contracts. They are: marriage contracts, co-habitation agreements, and separation agreements.

A domestic contract is enforceable by the Court under the provisions of the *Family Law Act*, if a written copy has been filed with the Unified Family Court or the Trial Division of the Supreme Court. This Act can be accessed via the House of Assembly page on the Government of Newfoundland and Labrador website (<http://www.hoa.gov.nl.ca/hoa/>). The *Family Law Act* specifically states that a domestic contract cannot be enforced unless it is made in writing, and signed by the parties and witnessed.

It should be remembered that a domestic contract is exactly that- a contract. If a party breaks a term of the agreement, he/she might be sued for damages or, more importantly for specific performance. This means he/she may be ordered by a Court to perform the terms of the contract.

The three common types of domestic contracts and the typical terms included are discussed below.

Marriage Contracts

A marriage contract can be entered into before or during marriage. This contract can outline how spouses will divide property upon a marriage breakdown, and clarify ownership of certain assets. Items that can be included are spousal support and issues regarding children, but only in limited ways. A marriage contract can outline issues such as education and moral training for children, but **CANNOT** deal with issues of custody and access in the event of a marriage breakdown. In custody and access situations, the best interests of the children are the primary

concern and that can only be determined at the time of a separation or divorce.

For a marriage contract to be legally binding, it must be signed by both parties and witnessed. Each party should have received independent legal advice, unless he/she has specifically waived this right by signing a “waiver” form.

Marriage contracts can be registered at Court, but it is not required. Such a contract is legally binding whether or not it is registered. It should be kept in a safe place such as a safety deposit box.

Co-Habitation Agreements

If a couple is living in a conjugal relationship, but are not married, a co-habitation agreement can be used instead of a marriage contract. Many couples living common law consider entering into co-habitation agreements because such couples do not necessarily have the same rights as married couples under the law (more information on this in the section **COMMON LAW RELATIONSHIPS**). A cohabitation agreement can cover the same topics, and has the same restrictions, as were discussed for marriage contracts.

Upon marriage, a co-habitation agreement will automatically become a marriage contract unless it is specifically cancelled in writing.

As with all domestic contracts, such an agreement needs to be signed and witnessed and both parties should obtain independent legal advice.

Separation Agreements

Once spouses have decided to separate, many issues will need to be resolved. It may be possible to resolve these legal issues without going to court, through the drafting of a separation agreement. Items

addressed in the agreement may include custody and access of children, support payments, division of property and debt, along with other issues relevant to the settlement of matters.

If a couple is separating on good terms, they may be able to work out many of these issues together. It can be a very emotional time, however, and negotiating a separation agreement can be very difficult. Some people might agree to certain things just in the interest of “getting it over with”. However, it is important to remember that once a separation agreement is signed, it may be very difficult to change, unless your ex-partner agrees to change it.

Even if spouses are able to draft their own agreement, it is strongly suggested that before signing, each party seek independent legal advice.

It is very important to ensure separation agreements are put in writing. If in future either party decides to challenge the agreement it will be **very difficult** to prove what was agreed upon if the separation agreement is not in writing.

It is also important to have the agreement in writing for enforcement purposes. A domestic contract and an agreement to amend or rescind a domestic contract are unenforceable unless made in writing, signed by the parties and witnessed.

Items often dealt with in a separation agreement include:

- who gets to stay in the family home or if it is going to be sold;
- who is responsible for the payments on the home (e.g. mortgage payments, repairs, or the lease responsibilities on a rented apartment);
- insurance policies and pensions (e.g. who pays the premiums, who are the beneficiaries);
- who is responsible for any debts;
- who gets which assets, such as the car,

furniture, stereo, cottage, etc.;

- spousal support;
- custody of, maintenance for, and access to the children;
- the right to direct the education and moral upbringing of the children;
- a method of adjusting the agreement if circumstances change;
- other matters which may be necessary to settle your affairs.

As with other domestic contracts, both parties must sign and have the agreement witnessed.

How Can a Domestic Contract Be Set Aside?

If, after entering into a domestic contract, one party feels it is unfair and the other party agrees, the contract can be changed in writing by the consent of both parties. Again, it is suggested that each party speak independently with a lawyer before agreeing to change an existing agreement. If one spouse is unwilling to change the contract upon request, then an application can be made to Court to have it set aside in its entirety or just a portion of it. This means that the court may ignore the contract, or a portion of the contract, which it considers to be unfair. The *Family Law Act* is very specific about situations under which a domestic contract can be set aside. For example, a domestic contract may be set aside if:

- a spouse did not tell the other spouse about significant assets or debts that existed when the contract was made;
- a spouse did not understand the nature or consequences of the contract;
- a spouse signed the agreement because he/she was threatened to do so; or
- the contract is grossly unfair.

If any of the above conditions can be established, the Court may set aside the whole agreement or a portion of it. The court may also set aside the contract if it is not in the best interests of the children.

DIVORCE

Divorce is the legal termination of a marriage. A divorce does not release those involved from all obligations. Spouses must still provide support for any children of the marriage and, in some cases, for each other. Nor does divorce deny either spouse the right to see his/her children. It simply ends the legal relationship that was created when two people were married.

In Canada, divorce is governed by the *Divorce Act*, which is a federal law. This Act can be accessed via the Department of Justice (Canada) website (<http://canada.justice.gc.ca>)

What are the Grounds for Divorce?

The *Divorce Act* states that a divorce can be granted when there has been a “permanent marriage breakdown.” To prove that such a breakdown has taken place, it must shown to the Court that the criteria for divorce as set down in the *Divorce Act* have been met. A divorce may be granted if one of the following situations has occurred:

- 1 Spouses have lived separate and apart for at least 1 year. It is the least difficult to prove and the most commonly cited ground for divorce. This does not mean that there has to have been a legal separation agreement or even that the spouses have lived in separate houses. It just needs to be proven to the Court that the spouses have been living separate lives for at least 1 year. Of course, it is more difficult to prove if spouses continue to live in the same home. If spouses reconcile for more than 90 days, but decide to continue with the divorce,

the one year separation period will have to begin again.

- 2 A spouse has committed adultery.
- 3 A spouse has treated the other spouse with physical or mental cruelty which has made it impossible for the couple to continue to live together.

If spouses are living separate and apart, an application for divorce may be filed immediately. The divorce will not be granted, however, until they have been apart for one year, or have demonstrated that one of the other grounds for divorce is present (i.e. adultery, or mental/physical cruelty).

Who Can Apply For a Divorce?

To file for divorce in Newfoundland and Labrador, the applicant must be a resident of Canada. Also, either the applicant or his/her spouse must have lived in Newfoundland and Labrador for at least 12 months immediately before the application for divorce is made.

The person who files for divorce is called the applicant. The other spouse is the respondent.

The person who files for divorce on the grounds of adultery or cruelty cannot be the same person who is alleged to have committed the acts involved.

How To File for Divorce?

To file for a divorce, the applicant will need to complete a Court form called **Originating Application**. The form contains several sections which must be filled out, including details about the marriage, the grounds for seeking a

divorce, whether spousal and/or child support is being sought, to name a few of the items. The Court will need to be provided with various documentation, including the marriage certificate.

Another document which must be completed is the **Notice to Respondent**. It is a form that notifies the other spouse that a divorce application has been filed, and that if he/she wishes to contest the divorce petition, they must respond within a certain period of time.

Both of these forms must be filed (or submitted) to the Court. There is a filing fee. Once the documents are issued (signed) by the Court clerk, the applicant will have 90 days to serve the other spouse with both documents. These documents must be given to the spouse personally, by someone other than the applicant. The person who gives (serves) these papers to the spouse, must complete an Affidavit of Service to prove to the court that the spouse has officially been told of the divorce proceedings. The Affidavit of Service be filed (submitted) with the Court.

If the respondent spouse lives in Canada or the United States he/she 30 days to respond to the divorce application from the date of service. If the spouse lives outside Canada or the United States, he/she has 60 days to respond. The responding spouse must contact the Court to file a Response. If the applicant is requesting spousal or child support, the responding spouse will have to include other documents such as financial statements.

If the spouse does not respond to the petition or challenge any of the claims, the applicant spouse can proceed with an **uncontested divorce**. It is a fairly straightforward procedure.

The responding spouse may decide to dispute the grounds for divorce or challenge any claim to custody of any children, support, etc. This is called a **contested divorce**. A contested divorce means that the spouse applying for a divorce will have to prove the contents of their application for divorce. The applicant may have to prove that the grounds for divorce are present and/or give evidence as to why custody and/or support is at issue. The responding spouse will have an opportunity to put forward his/her case as well. The focus of the hearing in Court is often custody or support. It is rare that the grounds for divorce will be challenged.

Once you have successfully received your divorce you will be issued a Certificate of Divorce. There is a fee charged by the Court for the certificate.

What are the Barriers to Divorce?

Even if there are adequate grounds for a divorce, certain actions may prevent the divorce from being granted. The Court will not grant a divorce if spouses have not made reasonable arrangements for the support of any children of the marriage or if either have misled the court about the grounds of the divorce in order to have the case dealt with more quickly.

As was discussed earlier, another barrier to the divorce process is a reconciliation of over 90 days if a divorce is being sought on the grounds of separation. After a separation, spouses can live together again for up to 90 days before the court will consider the one year separation period as interrupted. If spouses have reconciled for longer than 90 days, but then decide to continue with the divorce, the one year separation period will have to begin again.

CUSTODY AND ACCESS

When two parents are living together in a common law relationship or are legally married, custody of a child is usually not an issue. However, the relationship between parents may break down resulting in separation and/or divorce. During this time, a decision must be made about who the child/ren will live with.

Custody is a legal term which refers to where the child lives and who is responsible for making major decisions about the child. Making decisions about child custody can prove to be a very difficult time for everyone involved, including parents, children and other friends or relatives. It is important to consult with a lawyer to ensure parents are informed about parental rights and obligations.

Access refers to the right of a non-custodial parent to visit and spend time with the child/ren. Access also includes the right to ask questions about the child/ren and be given information about health, welfare and education etc. If parents can agree on a time and place for access, they can make the decisions surrounding this issue. However, if a decision can not be agreed upon, the Court will likely impose an “access schedule”.

Do we have to go to Court to decide custody?

If both parents can make a decision about custody, they may not have to go to Court. Custody can be decided among the parents or guardians of the child/ren if a decision can be agreed upon by all parties involved. If parents are unable to

come to a decision, even with the help of a mediator, the issue may have to be resolved in Court.

Who can apply for custody?

If custody and access cannot be agreed upon by the parents involved, an application may be made to the Court. One parent can challenge the other parent for custody. For example, the father may make application to the Court to have the child/ren live with him rather than the mother. Or the mother may make a similar application to the Court.

Parents are not the only people who can make application for custody. For example, if grandparents wish to have the child/ren live with them, they may be entitled to make application to the Court.

If a parent or grandparent has questions about making application to the Court for custody, a lawyer should be consulted.

How is custody decided in Court?

During a custody hearing, the judge will hear information about the situation and make a decision based on the best interests of the child. During a custody hearing and depending on the child’s age, the judge may also hear the views of the child.

Types of Custody Arrangements

The following are terms used to describe the different types of custody arrangements in Newfoundland and Labrador.

(i) Sole

In a sole custody arrangement, the child/ren usually lives primarily with one parent. That parent has the sole responsibility to make major decision for the child/ren. It does not normally mean that the other parent is uninvolved because the other parent is usually awarded access.

(ii) Joint Custody

Joint custody means that both parents make major decision about their child/ren together. It does not necessarily mean that the child lives with both parents an equal amount of time. Instead, an arrangement is made either by both parents or the Court to decide how much time is spent with both. The primary home of the child/ren is the place where the child/ren spends the most amount of time.

(iii) Split Custody

If there are two or more children, one or more of them live with each of the parents. This is a form of custody rarely seen.

Types of Access Arrangements

There are several types of access arrangements:

(i) Reasonable

A reasonable access arrangement means that the parent who does not have custody, or who does not live with the child/ren, can arrange to set up times to see the child/ren with the custodial parent. This basically means that the parents of the child work together to see that the child spends time with both

parents when it is best for the family's schedule. This is a flexible arrangement that means that both parents have to cooperate with one another.

(ii) Specified

This type of access, set out in a Court order or agreement between the parents, provides certain times that a parent may have the child/ren in his or her care.

(iii) Supervised Access

This type of access, set out in a court order or agreement between the parents, provides that time spent by the parent with the child/ren must be in the presence of another adult. Usually, the supervising adult will be named in the order or agreement.

If I have custody do I have to consult the other parent before I move away?

A parent should consult with a lawyer prior to moving away to discuss his/her legal rights and responsibilities. If there is already a custody order or custody agreement in place, this question may already be addressed in those documents. Consent by the other parent is normally required before the custodial parent can move away with the child(ren). If there is no custody order or agreement in place, the parent wanting to move would normally need the permission of the non-custodial parent before the child can be moved. If that parent will not give consent, then an application can be made to Court to seek permission to move with the children. The Judge will consider many factors in making that decision including whether the move will deny the other parent access or custody rights, and whether moving the child/ren is in the best interest of the child/ren.

GRANDPARENTS' RIGHTS

The relationship between grandparents and their grandchild/ren does not end with the separation or divorce of the parents. In many cases, the relationship will continue as before. If this is not the case, grandparents need to know their rights under the law.

The laws that deal with children are based on what is in their “best interests.” Unless contact with a grandparent is harmful, it is normally in a child’s best interests to have a relationship with them. Children have the right to all the love

and support available to them and it can be important to their social, emotional, and intellectual development to have grandparents in their lives.

If a person is having difficulty accessing their grandchild/ren, it is recommended that he/she speak with a lawyer about legal options. The grandparent may want to consider filing an application with the Court for access. Regular contact with extended families is often considered to be in the best interest of the child.

DIVISION OF PROPERTY

The *Family Law Act* attempts to recognize the contribution of both spouses to marriage through an equal division of matrimonial assets following marriage breakdown. Please note that throughout this section (“Division of Property” and “Who owns Matrimonial Property?”) any reference to “spouse” or “spouses” is as defined in section two of the *Family Law Act*. The Act does not apply in all cases. For example, a couple may decide to opt out of the Act through a marriage contract. The law respecting property division does not apply to common law couples unless they opt into the provisions of the *Family Law Act* through a domestic contract.

A Court application for division of property can be made following death, divorce or separation. The family law legislation relevant to division of property in Newfoundland and Labrador is the *Family Law Act*.

It is important to note that there are time limits regarding when an application for division of property should be filed. If a person files after the time limit has expired, they will not be entitled to a division of property. It is a good idea to speak with a family law lawyer to determine what the time limit is for a particular situation.

Remember, spouses always have the option of agreeing on how property will be divided. An application for the division of matrimonial property is usually addressed in Court after such an attempt fails. However spouses can still continue to negotiate after such an application has been filed with the court. If there is still no agreement, the matter will be heard by the Court, usually as part of a contested divorce hearing. The law presumes that assets purchased

during a marriage were acquired by both spouses and upon marriage breakdown the assets are usually divided equally. This presumption is in recognition of both spouses’ contribution to the marriage – in the form of money, child care, home care and otherwise.

It is important to remember, however, that not all of your property will be considered “matrimonial assets”. The following assets are not usually considered matrimonial assets:

- Gifts, inheritances, settlements or trusts, unless such assets were used for a family purpose or were used to buy family assets;
- Family heirlooms;
- Personal injury awards- except any portion that compensates for economic loss, for example lost earnings, etc;
- Personal possessions;
- Business assets;
- Property that you have specifically excluded under a marriage contract;
- Property acquired after separation.

There are exceptions to the categories, depending on the facts of the case. For example, if a spouse inherited a home which was used as a matrimonial home, it may be considered a matrimonial asset and subject to division. In addition, if a spouse can show that they contributed to their spouse’s business, he/she might be able to make a claim for division of business assets.

Who Owns the Matrimonial Property?

(I) Matrimonial Home

The matrimonial home is the home and land that spouses shared together as a family. It could include a house, trailer,

mobile home, and condominium. Both spouses are entitled to an equal share of the matrimonial home regardless of whether it was previously owned by one spouse, how and when it was acquired, or if it was purchased in only one name. Married spouses own the home as joint tenants, which means that both have equal ownership rights to the property.

If one spouse dies, the surviving spouse gets the house and land automatically. An additional consequence of this joint ownership is that both must agree in writing whenever the matrimonial home and land is to be sold or mortgaged.

Following separation, both spouses are entitled to live in the matrimonial home. If one moves out, the person who remains is not allowed to change the locks or deny the other access to the home, unless he or she has bought out the other's interest in the home or has an order for exclusive possession of the home.

Exclusive possession means that a spouse can continue to live in the house without the other even though both still own the home as joint tenants. Either spouse can apply to the Court for exclusive possession upon the breakdown of a marriage but exclusive possession is usually only granted by a judge for a short period of time and in limited situations.

(ii) Matrimonial Assets

Matrimonial assets include property acquired by either spouse during the marriage. This may include household items such as furniture and appliances, automobiles, bank accounts, work related benefits such as pensions, severance and vacation pay, RRSPs, stocks, bonds, and any cabins or land used by the family. Both spouses are considered to have contributed to these assets and they are usually divided equally to reflect this fact.

The 50/50 Split

If spouses cannot agree on how to divide the property they share, an application can be made to Court to request that a judge divide the assets. The general principle of the *Family Law Act* is that both spouses own all matrimonial assets equally. Therefore, on an application for division of property, the Court will usually split the value of the matrimonial assets equally between the spouses.

In many cases, both spouses will seek independent legal advice and reach their own agreement as to property division. If the parties cannot agree, however, the matter may go to Court. If the matter goes to Court both spouses will have to file Statements of Property which give complete and up-to-date information on the owned property. Based on this information, the court will attempt to divide the property equally.

If one spouse feels that an equal division of property is unfair, he/she may make an application for an unequal division of property. For the court to accept this, however, that spouse must prove that an equal division is "grossly unjust or unconscionable."

The Court does not normally consider the misconduct of either spouse, including adultery, in dividing matrimonial assets. The spouse who leaves the home does not forfeit their right to equal assets, nor is the spouse who remains with the children entitled to more. Instances where the court may divide the property unequally include if a spouse deliberately wasted or squandered marital assets.

MATRIMONIAL PROPERTY ON RESERVE

The division of property is different on reserves. The *Indian Act* which applies to reserve land does not cover the topic of matrimonial real property and provincial legislation about matrimonial property does not apply on reserves. This all means that the situation can be different depending on the reserve. If spouses live on a reserve and are divorcing, they should be aware that the provincial laws of matrimonial property do not apply and should check with their Band Council to inquire what system is in place.

Some reserves issue Certificates of Possession to homeowners. A Certificate of Possession is evidence of the right to possess the home. It can be issued for one person or they can be issued jointly for two people. A person can transfer their Certificate of Possession to another Band member. This means that if both spouses are both Band members and have come to an agreement about who will keep the house then a transfer of the Certificate of Possession can be made. The Minister of Indian Affairs and Northern Development must approve a transfer of possession.

If both partners cannot agree on a transfer of possession there is no way to

force it. If the Certificate of Possession is in the name of one spouse, the named spouse has the right to keep the home.

Sometimes Bands do not issue Certificates of Possession. If this is the case, then the Band has the right to decide who stays in the home. They might offer one spouse another home. If there are children involved, the Band may let the parent who has the children for most of the time stay in the home.

Courts do have some powers in matrimonial property cases on reserve. For example, the Courts may take the value of the house and any land into consideration when ordering the division of assets. If one spouse cannot keep the home, the Court may order the remaining spouse to pay money to make up for this. This is not always easy, however, as it can be very hard to find out the value a house on a reserve because it cannot be sold on the open market.

If a spouse is forced to give up their home, he/she will not necessarily have to leave the reserve. If he/she is a Band member, the Band may provide an alternate home.

CHILD SUPPORT

Child support is money paid by one parent to the other for the support of their child/ren. The goal of child support is to make sure that when the relationship between a child's parents ends, both parents contribute to the financial support of their child/ren in accordance with their ability to contribute to that support. It is not a punishment or a reward for the behaviour of the parents. While money is being paid to the parent who has custody of the child/ren, the money is intended to help with housing, clothing, feeding, educating, and caring for any child/ren.

Who Has to Pay Child Support?

Every person has a responsibility to provide financial support for his or her child/ren. Parents are financially responsible for their child/ren whatever the state of their relationship with each other. Parents will have to support their child/ren even if their relationship with one another has ended. It does not matter whether they have been married or how long their relationship lasted. It does not matter if they have a big or a small income, except in extreme circumstances. It is not possible to avoid paying child support by not having a relationship with the other parent or by not being in contact with the child/ren.

It is most often the parent with custody, or the parent who the child/ren lives with most of the time, who receives the support payments.

How Can You Apply For Child Support?

Child support must be dealt with when a relationship breaks down. It is not

possible to make child support decisions before this time in a domestic contract, such as a marriage contract. When divorcing, an application for child support is often filed at the same time. If a person lives in St. John's metropolitan area, Mount Pearl, and along the east coast as far north as Terra Nova Park (including the Bonavista Peninsula), an application for child support is made to the Unified Family Court. If an applicant lives outside this area and is divorcing his/her spouse, the application is made at Supreme Court (Trial Division). If an applicant lives outside of the jurisdiction of the Unified Family Court, and has never been married to the child/ren's other parent, or the parents are separating but not divorcing, you can make your application to the Provincial Court.

If both parents agree on the amount of child support to be paid, then an agreement can put it in writing, like in a separation agreement, signed and witnessed, and then filed with the appropriate court. A judge will look at the amount to see if it is reasonable in comparison to the Child Support Guidelines. Decisions made in separation agreements can become part of divorce orders.

What Are the Child Support Guidelines?

The Child Support Guidelines are the rules and tables used to determine how much child support should be paid. There are Federal Child Support Guidelines and provincial guidelines. Both are law, and judges have little discretion to deviate from them.

The Federal Child Support Guidelines apply if parents are married but filing for divorce; or they have already divorced. The provincial guidelines apply if parents have never been married to each other or are separated, or planning to separate, but have decided not to divorce.

Child Support Guidelines provide a method of calculating child support. The Guidelines take into account various factors including the payor's province or territory of residence, the number of children, and where the child/ren live. They have been in place since May 1997 (and were updated in May 2006). A child support order or agreement made before May 1, 1997 is not automatically changed by the Guidelines. If a person seeks to change that order/agreement through the court, the Guidelines will apply. However, if an agreement or order was made before May 1, 1997 and the parties do not wish to change it, then the Guidelines will not apply.

In certain cases a judge may decide to order a different amount than one specified in the child support tables. The child support amounts calculated according to the tables can be increased or decreased according to the situation. For example, the paying parent might pay less if they are suffering undue hardship as defined under the Guidelines. Or the judge may order more child support if the child has "special expenses". Special or extraordinary expenses are expenses that the table amounts may not cover.

When deciding whether to allow for the special expense(s), a judge will consider if the expense is necessary in relation to the best interests of the child and whether it is reasonable given the means of the parents and the child and the family's spending pattern before the separation. Normally, these expenses are shared between parents in proportion

to their incomes. Expenses which may be considered under this category could include day-care expenses, expenses for post-secondary education, or orthodontic expenses.

The Federal Child Support Guidelines are available on the Department of Justice Canada website (<http://canada.justice.gc.ca>). The provincial Child Support Guidelines are available through the House of Assembly page on the Government of Newfoundland and Labrador website (<http://www.hoa.gov.nl.ca/hoa/>).

Undue Hardship

The court may make an order for more or less than the child support amount specified in the child support tables where either parent convinces the judge that the table amount would cause undue hardship to the parent or child. Under the guidelines, either parent may ask for a different child support amount at a higher or lower level if the parent or the child is experiencing undue hardship. For example, this provision could apply where a parent has incurred unusually high debts from supporting the family prior to the separation. A two-step test must be used to determine undue hardship:

- it must be determined whether the parent requesting the change is in circumstances that would make it difficult either to pay the required amount or to support the child on that amount; and
- the person claiming undue hardship must show that his or her household is at a lower standard of living than the other parent's household. The standards of living of both households must be compared. The income of every member of both households must be looked at to compare standards of living. If the parent claiming undue

hardship is not found to have a household's standard of living lower than the other parent's, the claim for undue hardship will be rejected.

Changes to the Federal Child Support Guidelines in 2006

In May 2006, the Federal Child Support Guidelines were amended.

The changes include:

- updated Federal Child Support Tables that reflect more recent federal, provincial and territorial tax rates;
- a definition of the term “extraordinary expenses” in the special or extraordinary expenses provision of the Guidelines;
- a deduction for Canada/Quebec Pension Plan contributions and Employment Insurance premiums in the optional Comparison of Household Standards of Living Test;
- a change to the non-resident provision, allowing the courts to take into account higher tax rates of another country in determining the income of a parent who does not live in Canada; and
- the replacement of references to the province of “Newfoundland” with the correct reference to the province of “Newfoundland and Labrador”.

The amendments will not automatically change the amount of child support paid or received under pre-existing arrangements. Under the Guidelines, anyone who has a child support order predating May 1, 2006 may take steps to have it reflect the amendments, including the new table amount.

How long is child support paid?

Child support is generally payable until the age of majority, which is 19 years of age in Newfoundland and Labrador.

Support is normally paid for the child/ren beyond that age if the child/ren continue to be dependent on the parents. Reasons for continuing support may be that the child is attending a post-secondary school (university, college) or because the child is physically or mentally disabled.

Is Child Support Taxed?

Orders made under the Child Support Guidelines are tax neutral. This means that the parent who pays child support does not get a tax deduction, and the person who receives it does not have to pay tax on the money.

Recalculation of Child Support

Family Justice Services offers a child support recalculation service that automatically recalculates the amount of child support paid based on annual tax information. Parties must either agree to use this service, or have it ordered by a judge. A recalculation clause will then be included in the order or agreement.

Recalculation under this service is done once a year in order to ensure a fair level of support for the child/ren. Income tax information is submitted yearly by both the payor and receiver of child support. The information is reviewed and where the new information would result in a change in child support of \$5 or more (either increased or decreased), the parents are both notified of the recalculated amount. Provided neither parent files an objection to the recalculated amount, a new order is made. Either parent may object to the recalculated amount by filing a Notice of Objection with the court. This stops the recalculation process and the judge then makes a decision whether the person should pay the recalculated amount or some other amount.

Which orders or agreements are recalculated?

The Child Support Recalculation Service recalculates child support orders and written agreements, which permit recalculation and are filed with the Provincial, Supreme, and Unified Family Courts. This service applies to orders and written agreements that are filed with the court on or after April 1, 2007 (except for previous orders made under the Western Child Support Service Regulations).

What you need to do after your order or written agreement is registered with the Child Support Recalculation Service.

Each year, payors and some recipients of child support are requested to provide updated income tax information. This information is used to recalculate child support. When the service does not receive the requested income tax information, recalculation is based on a 10% increase to the payors income indicated on the most recent court order.

You must notify the service of changes to your mailing address and phone number. If you do not inform the service about your up-to-date contact information, you might not receive notification when child support is recalculated and filed with the court.

How do you find out about the results of the recalculation?

After reviewing updated income tax information, the recalculation office uses the Child Support Guidelines tables to recalculate the child support amount. If the recalculation results in a change of at least \$5, the new child support amount is noted in a *Notice of Recalculation*, which is mailed to both parents.

What happens if you do not agree with the recalculated amount?

After receipt of the Notice of Recalculation you may file a Notice of Objection that is attached to the Notice of Recalculation with the court that made the original order. You will have 30 days from the date you receive the Notice of Recalculation to do so. You will then be given a date and time by registered mail from the court of when to appear in court to advise of your objection to the recalculated amount. The judge will then decide on the new support amount.

If no Notice of Objection is filed with the court, the new child support amount stated in the Notice of Recalculation will come into force.

Applying to court to vary a child support order.

At any time during the recalculation process, parents may apply to court to vary an existing child support order. Recalculation clerks keep parents informed about how such applications will affect the recalculation of child support.

Did you know that services to recalculate your child support are free of charge?

There are no fees to parents for the services they receive from the Child Support Recalculation Service.

CONTACT INFORMATION

Family Justice Services Division
Recalculation Office
20 Brook Street, P.O. Box 185
Corner Brook, NL A2H 6C7
Tel: 709-634-4172 • Fax: 709-634-0833

SPOUSAL SUPPORT

When a couple separates, both spouses may not have the same ability to support themselves financially. In this case it may be possible for the spouse who earns less to receive support. The following goals should be kept in mind to first determine whether a person has a legal claim to support. Spousal support should compensate spouses for the economic impact of the marriage and marital roles, most typically staying out of the labour force participation to care for children, both during the marriage and after the marriage breakdown. Another goal is to make sure that after a marriage is over, one spouse doesn't suffer economic hardship. Finally, spousal support should help each spouse become economically independent within a reasonable amount of time, if possible.

A judge will also consider various factors when deciding whether to order such support. These factors may include: What was the length of the relationship?; What are the financial means and needs of each spouse?; What contribution has one made to the other's career? Who is living with the children? These factors are not exhaustive and there may be other considerations the judge will take into account.

The reasons your marriage is over have nothing to do with your financial obligations. The divorce law says that generally the court will not consider the behaviour or misconduct of either spouse in deciding on support payments.

Time Limits for Applying for Spousal Support

It is important to note that there are time limits for making an application for spousal support. If an application for

support is filed after the time limit has expired, the applicant will not be entitled to this type of support. It is suggested individuals speak with a lawyer to determine what the time limit is for his/her particular situation.

Who can apply for Spousal Support?

If spouses have separated, but not divorced, a spouse may be eligible to make a claim for spousal support. If a couple is going through a divorce, a spouse may be eligible for spousal support. If a couple is not married but have been living in a common law relationship, a partner might be eligible to apply for spousal support. For common law relationships cases, it is especially important to consult with a family lawyer to inquire about possible eligibility for such support.

It is important to know that issues of spousal support can be dealt with in domestic contracts, such as marriage contracts and cohabitation agreements. Before going to Court about spousal support it is important to check any agreements to see if the issue is already addressed within the agreement. For more information see the section on **DOMESTIC CONTRACTS**.

How to Apply For Spousal Support?

Spousal support can be addressed in a separation agreement. If this issue is addressed within a separation agreement, it should be remembered that it may become part of the final divorce order.

If a person lives in St. John's metropolitan area, Mount Pearl, and along the east coast as far north as Terra Nova Park (including the Bonavista Peninsula), an application for spousal support is made to the Unified

Family Court. If an applicant lives outside this area and is divorcing his/her spouse, the application is made at Supreme Court (Trial Division). If an applicant is not divorcing and lives outside of the jurisdiction of the Unified Family Court, the application is made to Provincial Court.

What is the Amount and Duration of Spousal Support?

While child support is dealt with in legislated guidelines, which means that the guidelines are part of the law, this is not the case for spousal support. There is a document called the Spousal Support Advisory Guidelines which provide ranges for the amount and duration of spousal support. These guidelines are recommendations; they are not law. But, often judges will refer to these guidelines in deciding how much spousal support should be paid, and for how long. The guidelines can be viewed on the Department of Justice Canada website (<http://canada.justice.gc.ca>).

It is important to remember that priority in the Courts is always given to children. If there are children involved, priority is given to child support. This means that any money that could be used for spousal support must come from what is left over *after* child support is paid.

Support can come in different forms. It can be ordered in a lump sum payment, periodic payments (which can be paid monthly or on some other basis), or through a transfer of specific property (for example, a portion of your spouse's share of the matrimonial home). The judge makes the final decision on how, and for how long, spousal support is paid.

When circumstances change, it may be possible to have spousal support payments stopped or the amount paid changed. If

the two people involved cannot decide on the changes, the Court will decide the issue. The court will take into account various factors when deciding whether a change in the support order is necessary, including:

1. whether there has been a material or significant change in the financial circumstances of the payor or dependent spouse;
2. has the dependant spouse taken all reasonable steps available to improve self-sufficiency- for example, has the dependent spouse attempted to find employment, started a retraining program or gone back to school; and
3. has new evidence become available at this court hearing that was not previously available.

Is Spousal Support Taxed?

Spousal support payments are generally considered taxable income in Canada. Before the income is taxed and a deduction available, certain requirements must be met including:

1. the payment must be made pursuant to a court order or written agreement;
2. the payment must be made to a spouse (married or common law);
3. you must be living separate and apart from your spouse at the time of the payment and for the remainder of the year;
4. payment is for the purpose of providing support; and
5. the payments must be periodic. It does not apply to lump sum payments of money or a transfer of property

If the above-noted conditions are met, this generally means that the person paying spousal support will receive a deduction, and the person receiving it support it must report it as income to Revenue Canada.

SUPPORT ENFORCEMENT

The Support Enforcement Program (SEP) is a service provided by the Support Enforcement Division of the provincial Department of Justice. It is a program designed to make the exchange of spousal and/or child support payments run as smoothly as possible. The authority for the establishment of the agency lies under the *Support Orders Enforcement Act, 2006*.

If the parties to a support arrangement have reached an agreement outside of court, they may choose to have it registered with the SEP. If the support arrangement has resulted from a court order, it is automatically registered with the SEP unless the parties choose to opt out.

Services

In Newfoundland and Labrador, the Support Enforcement Program coordinates a number of services related to the collection and distribution of court orders or agreements that have been registered with the SEP. The services provided by the SEP can be grouped into two main categories. The first is administration of payments and the second is the collection of payments from those who have not been paying.

How are payments made under the SEP?

The person required to pay support must make payments to the Director of Support Enforcement on the date(s) set out in the support order. The Director will then forward a government cheque to the individual who is entitled to receive support, in accordance with the terms of the support order. If a person is

not making their support payments then the SEA has a number of enforcement options available. The Director of Support Enforcement can demand a financial statement from a person who is required to pay support. The Director has the authority to garnish or collect wages from the payor's employer, monies held at financial institutions and federal sources of funds, such as income tax refunds. In addition, property may be seized and sold to pay outstanding arrears. As well, the debtor may be brought before the court to explain the non-payment and the court may make an order to enforce payment of arrears.

If enforcement action is necessary, there will be delays. The Program can only pay to recipients what it has been able to collect.

Can They Get Support From People Outside the Province?

The Support Enforcement Program works best when the parties involved live in this province. Other provinces have similar programs and access to these can be gained by registering with their Support Enforcement Program. The other jurisdiction then assumes the responsibility to monitor and enforce the support order. However, enforcement is more difficult and may take longer.

What if my support order was made in another province?

If your support order was made in another province and the debtor resides in Newfoundland and Labrador, SEA will enforce the support order after it is registered with a Newfoundland and Labrador court.

How Can You Register For Support Enforcement?

The SEA will only enforce agreements that have been filed with the court. That means that if you have reached a written agreement with your spouse outside of court, like a separation agreement, then you need to file it with the court. If an existing agreement has been changed, it should be re-filed with the court. SEA must be notified of the revised agreement.

If you register with the SEA then you do not have the right to collect the payments yourself. Direct payments should not be accepted. If you receive a direct payment, make sure you write to the Support Enforcement Program immediately to confirm it, so that accurate accounting

records are maintained. All support payments must be made to the Support Enforcement Program.

For more information on the program visit the NI Department of Justice website (<http://www.justice.gov.nl.ca/just/>) and follow the link to the Support Enforcement Program.

How to Contact the SEA:

Support Enforcement Division
Department of Justice
9th Floor, Sir Richard Squires Building
P.O. Box 2006
Corner Brook, NF A2H 6J8

Telephone (709) 637-2608
Facsimile (709) 634-9518

COMMON LAW RELATIONSHIPS

Two people are considered to be in a common law relationship when they live together in a conjugal (married-like) relationship without having been legally married.

Common law couples have certain rights and obligations which result from the relationship. Often these rights are not as well defined as those which flow from marriage. For example, a common law spouse is not necessarily entitled to half ownership of the home when a relationship breaks down.

In most cases, these sections should be read in addition to the corresponding provisions dealing with married couples. Our intent in this section is to highlight some of the differences for common law spouses.

Naming A Child

Children of a common law relationship can be given either their mother's or father's last name. If the father is not named on the birth certificate, his permission is needed to be able to use the name. An application to change a child's name can be made through Vital Statistics (contact information at the back of this booklet).

Co-Habitation Agreements

A co-habitation agreement is a contract entered into by both people in a common law relationship, which determines their rights and obligations during cohabitation, or on ceasing to cohabit or on death. It must be signed and witnessed. It may state, for example, that the shared home will be divided equally upon the ending of the relationship. In addition to addressing financial issues, it can also include some

provisions concerning the education and moral training of any children of the relationship. However, you can not include terms which decide custody and access to the children.

If a common law couple marries after signing a co-habitation agreement, the agreement will become a marriage contract unless the agreement is cancelled in writing.

Division of Property

The division of property after the separation of a common law couple is different from that of a legally married couple. The *Family Law Act* which essentially divides the marital assets equally between two married spouses does not apply to a common law relationship. This Act can be accessed via the House of Assembly page on the Government of Newfoundland and Labrador website (<http://www.hoa.gov.nl.ca/hoa/>).

For example, if a couple is married, the matrimonial home, no matter whose name it is in, is presumed to be owned equally by both spouses. The same does not apply for a common law couple [unless they have chosen to enter into an agreement which says otherwise].

When a common law relationship breaks down, each partner is presumed to own only those things that he or she purchased or that are registered in his/her name. This can mean that one partner might leave the relationship with nothing. For example, if the house is registered in the name of only one spouse then that person is presumed to own the house. In cases such as this, disputes over property division often end up in Court. A Court may order that property be divided if it

is shown that one person contributed financially to it, or contributed in a way that allowed the other person to accumulate property. An example of this might be if one partner stayed at home to raise the children, allowing the other partner to work. The longer the relationship has been going on, the greater the chances are that the court will consider dividing the assets. To support a claim for division of property in a common law relationship, you should keep a record of who purchased which pieces of property and who contributed work and effort to the purchase and upkeep of property.

In the Event of Death

If one partner dies without leaving a will, his or her assets **will not** automatically pass to the other partner. This is so even the case if the couple have been living together at the time of death. If there is no will, the deceased person's estate will be distributed according to the *Intestate Succession Act*. This Act can be accessed via the House of Assembly page on the Government of Newfoundland and Labrador website (<http://www.hoa.gov.nl.ca/hoa/>).

In order to ensure that a common law partner inherits all or a portion of the deceased partner's estate, it should be stated in a will.

Spousal Support

Requests for spousal support are sometimes made following the breakdown of common law relationships. Parties are sometimes able to come to mutually satisfactory agreements with the assistance of lawyers and/or mediators.

In cases where an agreement cannot be reached, an application for spousal support can be made to Court. There are

time limits for filing an application for spousal support. There are factors which determine whether someone is qualified to make such an application. It is strongly suggested that a person speak with a family law lawyer if he/she is considering filing such an application. There are many considerations for a judge when deciding whether or not to grant spousal support.

Spousal support is taxable and unless it has been given voluntarily without a court order or a written agreement, then it must be declared as income by the person receiving it.

Child Support

All parents are required to support their children, regardless of the parents' marital status. *Child Support Guidelines* are used to determine the amount of child support to be paid. They are referred to as "guidelines", however they are law and judges have little discretion to deviate from them.

A common law spouse who is not the biological parent of a child might still be required to pay child support if the court finds that he or she "stood in place of the parent" or acted as a parent to the child.

Child Custody

Common law spouses who are the biological parents of a child normally have equal rights to custody, unless a court order or an agreement between the parents says otherwise. If a couple cannot agree upon custody and access arrangements, a Family Justice Services' mediator may be able to assist parents reach an agreement. If the parents can't reach a mutually satisfactory agreement, then the matter will undoubtedly be decided by a judge. When deciding the issue of custody and access, the best interests of the child are the primary concern of the Court.

ADOPTION

What is adoption?

An adoption transfers legal rights, obligations, rights and duties for a child from the birth parent(s) to the adopting parent(s) as if he/she were the birth parent(s). The provincial legislation governing adoptions in Newfoundland and Labrador is the *Adoption Act*, 1999. This law was enacted in 2003 to replace the previous *Adoption of Children Act*.

It is illegal to give or receive payment or reward in connection with an adoption.

Who Can Adopt a Child?

Married couples or single persons, either alone or with a partner, can apply to adopt a child. One person can also apply to jointly become a parent with the child's birth parent. Relatives of a child, as defined in the *Adoption Act*, may also be eligible to adopt the child. The Act defines "relative" as a parent, grandparent, aunt, uncle or sibling of the child by birth or adoption.

All adoptive applicants, with the exception of relative or family adoptions must be approved by a Director of Adoptions employed with the Child, Youth and Family Services Program within one of the four Regional Health Authorities. Relative or family adoptions do not require the approval of a Director of Adoptions. These adoptions are completed with a Self Help Kit, available at the Department of Health and Community Services, local Regional Health Authorities, or the Government Services Centres.

There is a Provincial Director of Adoptions appointed under the *Adoption*

Act who must provide written approval before a person can receive a child into their home for adoption. The exception to this requirement is when the adoptive parent(s) are relatives of the child as defined by the *Adoption Act*. The Provincial Director of Adoptions must also approve all inter country adoptive applicants.

Adoptive parents, with the exception of relatives, must have resided in the province for a minimum of six months before making an application to adopt a child.

Before an adoption order is made, the child must live with the prospective adoptive parent(s) for a six month probationary period. This requirement also applies to relative or family adoptions.

Where Does a Person Apply To Adopt?

An application to adopt a child can be made under the provisions of the *Adoption Act* to the Director of Adoptions in your local Regional Health Authority. If you are interested in more information about adoption or wish to make an application to adopt you should contact the Director of Adoptions in your local Regional Health Authority. The names and contact information for the Directors of Adoption in each of four Regional Health Authorities is provided below.

Who Can Place Their Children For Adoption?

The consent of a child's birth parents as listed on the child's birth certificate is

normally required before the child can be placed for adoption. If the birth father is not listed on the birth certificate, his consent may still be required depending on the particular situation. The Director of Adoptions in your local Regional Health Authority will be able to provide details about the required consent to adoption.

A child must be at least 7 days old before the birth parents can sign a consent to adoption. If the child is over 12 years of age, he or she must also consent to the adoption.

The *Adoption Act* gives birth parents the option of choosing the prospective adoptive parents for their child. They can be people that the birth parents know personally and who meet the requirements to be approved to adopt a child by a Director of Adoptions or person(s) selected from non-identifying profiles of approved adoptive applicants provided to them by a Director of Adoptions.

The *Adoption Act* provides for openness in an adoption. The adoptive parents and the birth parents or significant persons to the child have the option of mutually agreeing to remain in contact with each other.

Adoption Records

One of major changes brought about by the *Adoption Act* is a greater level of openness. An adopted person, 19 years of age or older, may apply to the Vital Statistics Division, Department of Government Services, to receive a copy of their adoption order and amended birth registration, as well as the original birth registration that includes the names of their birth parents listed at the time of birth. The birth parents of an adopted person, 19 years of age or older, can apply

for the same information that includes the person's adoptive name. Adopted persons or birth parents who had their adoptions filed under the previous *Adoption of Children Act* may be eligible to apply to prevent the release of this identifying information. However, the open records system applies to **all** adoptions finalized since the new Act was proclaimed in May 2003 when the adopted person reaches 19 years of age.

DIRECTORS OF ADOPTIONS FOR NEWFOUNDLAND AND LABRADOR

EASTERN REGION:

Director of Adoptions
Eastern Regional Integrated
Health Authority
P.O. Box 190, Whitbourne, NL A0B 3K0
Tel: 709-759-3357
Fax: 709-759-3360

CENTRAL REGION:

Director of Adoptions
Central Regional Integrated
Health Authority
3rd. Floor, Provincial Building
Grand Falls/Windsor, NL A2A 1W9
Tel: 709-292-6284
Fax: 709-292-2250

WESTERN REGION:

Director of Adoptions
Western Regional Health Authority
P.O. Box 2006, Corner Brook,
NL A2H 6J8
Tel: 709-637-2305
Fax: 709-637-2319

LABRADOR/GRENFELL REGION:

Director in the Region
Child, Youth & Family Services
Labrador-Grenfell Regional
Health Authority
P.O. Box 7000, Stn. C
Happy Valley/Goose Bay, NL A0P 1C0
Tel: 709-896-9170 ext. 223
Fax: 709-896-9201

FAMILY VIOLENCE

Unfortunately violence sometimes happens between family members in their homes. Types of family violence may include:

- **Physical** - hitting, kicking, pushing etc.
- **Sexual** - unwanted sexual activity including touching, fondling and intercourse.
- **Emotional/Psychological** - use of isolation, threats, coercion, and name-calling.

No one has the right to hurt another person. If a family member is threatened or harmed by another member of their family, there is help available. Options include:

1. Calling the Police/Pursuing Criminal Charges
2. Going to a Shelter
3. Applying for a Peace Bond
4. Applying for an Emergency Protection Order (EPO)
5. Consulting a Lawyer

Victims of family violence may want to consider doing all of the above-noted.

The most important thing must be the safety of victim(s). People may want to consider keeping important items like MCP, insurance, bank and credit cards, medicine, IDs, any court papers, and some money together in a safe place so they can be easily found if it is necessary to leave the home quickly.

The police investigate all complaints of family violence. They should be contacted immediately. They will ask for a statement and the names of witnesses.

The police may also interview the person who has threatened or hurt the victim(s). Police will review the evidence and the statements and decide if there is enough evidence to lay criminal charges. If criminal charges are laid, the accused will be arrested or given a notice to appear in court.

As of July 1, 2006, the *Family Violence Protection Act* is law in Newfoundland and Labrador. This legislation provides another option to help adult victims of family violence and their children in emergency situations. Victims can apply to court for an Emergency Protection Order (EPO). An EPO is a court order that can be granted quickly in cases of family violence. To get an EPO the applicant needs to have lived in a conjugal relationship or had a child with the person who is being violent. This includes married, common law, and same sex couples. It can allow police to remove the alleged abuser from the home, take away any firearms or weapons, give you temporary custody of the home and the children, and any other conditions the court thinks necessary. The police can make an application for an EPO 24 hours a day. As well, an application for an EPO can be made by an individual, or a lawyer on his/her behalf. However, for the individual or his/her lawyer, the application will need to be made during regular hours to the Provincial Court.

Application forms are available from the Provincial Court or online at the Provincial Court website (www.provincial.court.nl.ca). Normally, the judge will decide whether an EPO will be granted within 24 hours of receiving the application. An EPO is temporary and

will not last for more than 90 days. An EPO is not a criminal charge.

A victim can also apply to Court for a peace bond. However, there are limitations on peace bonds which curb its ability to effectively address family violence. Limitations include:

- Peace bonds are not monitored by the police.
- The police only become involved after a bond is broken.
- The process of getting a peace bond put in place can be lengthy.

A peace bond is a court order that places specific conditions on an individual's

behaviour. It will include various conditions that must be followed. These conditions may include: to keep the peace; not to communicate with the applicant in any manner; or not to possess a firearm. If the person ordered to follow the peace bond breaks a condition, it should be reported to the police immediately. The police may decide to lay a charge. If the charge is proven in Court, the punishment may include jail time. There is no fee for applying for a peace bond and the order can be valid for up to 12 months. A peace bond is not a criminal charge, but if it is broken, the person can be charged criminally.

ABUSED OR NEGLECTED CHILDREN

The *Child, Youth and Family Services Act* says that all children should be safe, healthy, and happy. The family has the responsibility of providing these things for their children. Children are also the responsibility of the community. If the family is unable to take care of them, then the community has a responsibility to step in and ensure that these needs are met.

Authorities can take children away from parents or guardians who are abusing or neglecting them. The public has a duty to report what they think might be abuse or neglect. A social worker is assigned to investigate these cases. They have the right to interview the child, with or without the parents present. If you prevent your child from speaking to, or being examined by a social worker they can get a court order to do it, or have you brought to court. If the social worker decides that the child is “in need of protection” then they have the power and right to remove the child from your home.

Child, Youth and Family Services has broad powers to protect children. They can enter your home day or night if they have the grounds to do so. They can remove your children from the home. They do not need a warrant to do this if they feel it is an emergency.

Who Are The Children In Need Of Protection?

A child could be considered to be in need of protection if he or she is under 16 years of age, and is:

- At risk of physical or sexual abuse by a

- parent
- Emotionally injured by the behaviour of a parent
- Not being protected by their parents from physical, sexual, or emotional abuse by someone else
- Not receiving essential medical care, including psychiatric care
- Living in a home with domestic violence
- Under the age of 12 and committing crimes
- Left alone and uncared for
- Abandoned

Will All Children In Need of Protection Be Removed From Their Homes?

Once a family has been investigated then a social worker has to decide what is going to happen. Sometimes, if there is no evidence of any problems the case will be dropped. In a lot of situations the social worker will end up talking to the family and the child about services available to assist them. In these cases the family will usually be monitored and visited by a social worker for some time to make sure that the situation is changing and the services provided are helping.

What Happens After a Child Has Been Removed?

If your child has been removed from the home you will be given written notice of this within 24 hours. The child is now in the care of the director until a hearing. This means that the child will be temporarily living with a caregiver (also known as a foster parent), in a hospital, or with family members. The director

has the right to agree to reasonable health care for the child, although the parents will be notified.

There will likely be two private hearings. The social worker has to make an application to the Court for a hearing with a judge no later than the day after your child has been removed. Once the application is made, you must be informed of the date of the hearings within 3 days. If your child is over 12, they must be notified too. Along with the notification of the date for the hearing, you will receive a copy of the application that the social worker made to the Court, a written report of the circumstances that led to your child being removed, and a plan for the care of your child until the second hearing. You can come up with an alternative plan for your child. No later than 3 days before the second hearing you can file this with the Court and give a copy to the social worker. It will be considered at the hearing.

The first hearing is called the “presentation hearing” and will be held no later than 10 days after the social worker filed the application. The purpose of a presentation hearing is for the judge to decide if there is reason to believe that your child is in need of protection. Evidence can be presented from both sides. The presentation hearing is usually informal and won’t take longer than a day. At this point the judge can decide to dismiss the application and send the child home. If the case for protective intervention is very strong then the judge might make a decision as to how your child will be protected. Most often a judge will leave the final decision for a second hearing and will then have to decide who will care for your child until then. The judge could send the child home but under the supervision of a

social worker. The child could be sent to live with another parent, even if that parent does not have custody of the child, or with a family member. The child could be kept in the care of Child, Youth and Family Services.

The second hearing is called the “protective intervention hearing.” At this time the judge will decide if Child, Youth and Family Services needs to protect your child. If the judge decides that they do, then the judge must decide how they will protect your child. Your child may be returned to you but with the condition that a social worker will monitor your family for up to six months. Your child may be placed in the custody of another family member or someone important to your child. Child, Youth and Family Services may be given temporary or continuous custody of your child.

It is important to realise that the Court is considering the best interests of your child when making its decisions. You and your child are allowed to present evidence. This includes statements from you, the parent, or someone close to the child. Children are also allowed to speak at the hearings. They can give their opinions and thoughts on the matter. Their input is considered, especially if they are over 12 years old.

What Are Temporary And Continuous Custody Orders?

Temporary and continuous custody orders are two types of decisions the Court can make about who will have custody of your child. Temporary custody can be given to Child, Youth and Family Services. This means that they can be placed with a caregiver for a specified period of time, usually between 3 and 6 months, depending on the age of the child. They cannot be adopted.

Child, Youth and Family Services can let your child have essential medical care but you need to be consulted about other medical issues. If your child is in temporary care the Court may ask you to financially support the child.

Continuous custody means that the Child, Youth and Family Services has sole custody and can make all decisions concerning your child. They can put your child up for adoption.

It is important to remember that as long as your child has not been adopted, he or she may be able to return home if the circumstances have changed.

How Are Children Placed?

Once a child has been removed from the home they must be placed in someone's care. The goal of Child, Youth and Family Services is to find a placement that will least disrupt the child. When choosing a placement they consider

family and cultural bonds to be very important. The ideal is for them to be kept with siblings and other family members. They will first check and see if there are any relatives or family friends who would be willing and able to look after him or her. This includes another parent, even if that parent does not have custody. A relative, except a parent, or friend who is caring for a child in this situation may be able to get financial help through a program called the Child Welfare Allowance.

If a child cannot be placed with a relative or friend they may live with a caregiver. A caregiver is another word for a foster parent. Again, Child, Youth and Family Services will do their best to ensure that children are kept with their siblings and that their cultural heritage is considered. All caregivers must go through training, and inspection before they are allowed to care for a child. The government provides caregivers with financial assistance.

ELDER ABUSE AND NEGLECT

Elder abuse is any abuse or neglect that occurs when the person who assumes responsibility for the care of, or has physical custody over, an elder person, or senior, jeopardizes the elder's health or well-being. This includes physical abuse, such as hitting; psychological or emotional abuse, such as threatening the elder or not allowing them to practice their religion; and financial abuse, such as taking the elder's money.

Abusing a senior also includes neglecting them. This means that the caregiver refuses or fails to provide the elder with the necessary care. Neglect can be done on purpose, but sometimes the caregiver does not realize that they are neglecting the elder in their care.

Elder abuse should be reported to authorities so that measures can be taken to stop the abuse or neglect and to help the affected senior.

COLLABORATIVE FAMILY LAW

There are some lawyers in Newfoundland and Labrador who have been trained in and practice an alternative family law model called Collaborative Family Law. Collaborative Family Law is a new way for a separating or divorcing couple to work as a team with trained professionals to resolve disputes respectfully, without going to court. Both parties and their lawyers agree not to go to court and

the final decisions about parenting arrangements, spousal support and property division are ultimately made by the clients themselves, with professional help from lawyers. Counsellors, child specialists and financial advisors are also brought into the process, when needed, to help clients and their children deal with the emotional and/or financial aspects of the separation.

RESOURCE LIST

We have included a list of resources which may be helpful. Please note that the list provides just a sample of organizations/agencies and is not meant to be exhaustive.

THE COURTS

The Law Courts of Newfoundland and Labrador

website: www.court.nl.ca

Unified Family Court

21 King's Bridge Road
St. John's, NL A1C 3K4
Tel: 709-729-2258
Fax: 709-729-0784

Supreme Court Trial Division St. John's

Trial Division
Courthouse
309 Duckworth Street
P.O. Box 937
St. John's, NL A1C 5M3
Phone: (709) 729-1137
Fax: (709) 729-6623

Supreme Court Trial Division Corner Brook

Trial Division
Sir Richard Squires Building, 5th Floor, Mount Bernard Ave.
at O'Connell Drive
P.O. Box 2006
Corner Brook, NL A2H 6J8
Phone: (709) 637-2485
Fax: (709) 637-2569

Supreme Court Trial Division Gander

Trial Division
Law Court Building, 98 Airport Boulevard
P.O. Box 2222
Gander, NL A1V 2N9
Phone: (709) 256-1115
Fax : (709) 256-1120

Supreme Court Trial Division Grand Bank

Trial Division
T. Alex Hickman Courthouse
P.O. Box 910
Grand Bank, NL A0E 1W0
Phone: (709) 832-1720
Fax: (709) 832-2755

Supreme Court Trial Division Grand Falls - Windsor

Trial Division
The Law Courts
55 Cromer Avenue
Grand Falls, NL A2A 1W9
Phone: (709) 292-4260
Fax: (709) 292-4224

Supreme Court Trial Division Happy Valley - Goose Bay

Trial Division
Courthouse
214 Hamilton River Road
P.O. Box 1139, Station Bg
Happy Valley-Goose Bay, NL A0P 1E0
Phone: (709) 896-7892
Fax: (709) 896-9212

Provincial Court of Newfoundland and Labrador

St. John's Office

PO Box 68, Atlantic Place
215 Water Street
St. John's, NL A1C 6C9
Tel: 709-729-1508
Fax: 709-729-4319

Harbour Grace Office

PO Box 519, Harvey Street
Harbour Grace, NL A0A 2M0
Tel: 709-596-6141
Fax: 709-596-4304

Placentia Office

PO Box 369
Placentia, NL A0B 2Y0
Tel: 709-227-2002
Fax: 709-227-5747

Clarenville Office

47 Marine Drive
Clarenville, NL A5A 1M5
Tel: 709-466-2635
Fax: 709-466-3147

Grand Bank Office

PO Box 339
Grand Bank-Fortune Highway
Grand Bank, NL A0E 1W0
Tel: 709-832-1450
Fax: 709-832-1758

Gander Office

98 Airport Road
 Gander, NL A1V 2N9
 PO Box 2222
 Tel: 709-256-1100
 Fax: 709-256-1097

Grand Falls-Windsor Office

The Law Courts Building
 Grand Falls-Windsor, NL
 A2A 1W9
 Tel: 709-292-2412
 Fax: 709-292-4388

Corner Brook Office

PO Box 2006
 84 Mt. Bernard Avenue
 Corner Brook, NL A2H 6J8
 Tel: 709-637-2323
 Fax: 709-637-2656

Stephenville Office

35 Alabama Drive
 Stephenville, NL A2N 3K9
 Tel: 709-643-2966
 Fax: 709-643-4022

Happy Valley-Goose Bay Office

PO Box 3014, Stn B
 Happy Valley-Goose Bay, NL
 A0P 1E0
 Tel: 709-896-7870
 Fax: 709-896-8767

Wabush Office

PO Box 1060, Whiteway Drive
 Wabush, NL A0R 1B0
 Tel: 709-282-6617
 Fax: 709-282-6905

FAMILY JUSTICE SERVICES**AVALON REGION:**

St. John's
 709-729-1183

Carbonear
 709-945-3137

CENTRAL REGION:

Clarenville
 709-466-4036

Marystown
 709-891-4138

Gander
 709-256-1205

Grand Falls-Windsor
 709-292-1194

Lewisporte
 709-535-3212

WESTERN REGION:

Corner Brook
 709-634-4174

Stephenville
 709-643-8396

LABRADOR REGION:

Labrador City
 709-944-3209

Happy Valley-Goose Bay
 709-896-7904

**Family Justice Services
 Division -
 Recalculation Office**
 20 Brook Street, P.O. Box 185
 Corner Brook, NL A2H 6C7
 Tel: 709-634-4172
 Fax: 709-634-0833

DIRECTORS OF ADOPTIONS FOR NEWFOUNDLAND AND LABRADOR**EASTERN REGION:**

Director of Adoptions
 Eastern Regional Integrated
 Health Authority
 P.O. Box 190
 Whitbourne, NL A0B 3K0
 Tel: 709-759-3357
 Fax: 709-759-3360

CENTRAL REGION:

Director of Adoptions
 Central Regional Integrated
 Health Authority
 3rd. Floor, Provincial Building
 Grand Falls/Windsor, NL
 A2A 1W9
 Tel: 709-292-6284
 Fax: 709-292-2250

WESTERN REGION:

Director of Adoptions
 Western Regional Health
 Authority
 P.O. Box 2006
 Corner Brook, NL A2H 6J8
 Tel: 709-637-2305
 Fax: 709-637-2319

LABRADOR/GRENFELL REGION:

Director in the Region
 Child, Youth & Family Services
 Labrador-Grenfell Regional
 Health Authority
 P.O. Box 7000, Stn. C
 Happy Valley/Goose Bay, NL
 A0P 1C0
 Tel: 709-896-9170 ext. 223
 Fax: 709-896-9201

FAMILY VIOLENCE

THE ROYAL NEWFOUNDLAND CONSTABULARY

St. John's

Tel: 709-729-8000

Torbay

Tel: 709-437-6782

CBS

Tel: 709-834-6137

Corner Brook

Tel: 709-637-4100

Labrador City

Tel: 709-944-7602

Churchill Falls

Tel: 709-925-3524

THE ROYAL CANADIAN MOUNTED POLICE

Province Wide Emergencies: 1-800-709-7267

Baie Verte

PO Box 69, Baie Verte,
NL A0K 1B0
709-532-4221

Barachois Brook

40 Oregon Dr, Stephenville,
NL A2N 3M3
709-646-2692

Bay d'Espoir

PO Box 99, Milltown,
NL A0H 1W0
709-882-2230

Bay Roberts

PO Box 550, Harbour Grace,
NL A0A 2M0
709-786-2118

Bell Island

PO Box 1179, Bell Island,
NL A0A 4H0
709-488-3312

Bonavista

PO Box 850, Bonavista,
NL A0C 1B0
709-468-7333

Botwood

PO Box 420, Grand Falls-
Windsor, NL A2A 2J8
709-257-2312

Buchans

PO Box 420, Grand Falls-
Windsor, NL A2A 2J8
709-672-3944

Burgeo

2 Church Rd, Burgeo, NL
A0M 1A0
709-886-2241

Burin

General Delivery, Burin, NL
A0E 1E0
709-891-2569

Carmanville

PO Box 190, Carmanville, NL
A0G 1N0
709-534-2686

Cartwright

General Delivery, Cartwright,
NL A0K 1V0
709-938-7218

Channel Port aux Basques

PO Box 820, Channel P.A.B.,
NL A0M 1C0
709-695-2149

Clarenville

174 Trans Canada Highway,
Clarenville, NL A5A 1Y3
709-466-3211

Corner Brook

78 Mount Bernard Ave,
Corner Brook, NL A2H 5E9
709-637-4433

Deer Lake

41 Old Bonne Bay Rd, Deer
Lake, NL A8A 1X7
709-635-2173

Ferryland

PO Box 70, Ferryland, NL
A0A 2H0
709-432-2440

Flowers Cove

PO Box 130, Flowers Cove,
NL A0K 2N0
709-456-2500

Fogo Island

PO Box 208, Fogo, NL
A0G 2B0
709-266-2251

Forteau

PO Box 10, Forteau, NL
A0K 2P0
709-931-2790

Gander

301 James Blvd, Gander,
NL A1V 1W7
709-256-6841

Glovertown

PO Box 269, Glovertown,
NL A0G 2L0
709-533-2828

Grand Bank

PO Box 1240, Marystown,
NL A0E 2M0
709-832-2677

Grand Falls-Windsor

PO Box 420, Grand Falls-
Windsor, NL A2A 2J8
709-489-2121

Happy Valley-Goose Bay

Stn B, PO Box 1480,
HV-Goose Bay, NL A0P 1E0
709-896-3383

Harbour Breton

PO Box 119, Harbour Breton,
NL A0H 1P0
709-885-2320

Harbour Grace

PO Box 550, Harbour Grace,
NL A0A 2M0
709-596-5014

Holyrood

PO Box 119, Holyrood,
NL A0A 2R0
709-229-3892

Hopedale

PO Box 106, Hopedale,
NL A0P 1G0
709-933-3820

Lewisporte

PO Box 310, Lewisporte,
NL A0G 3A0
709-535-8637

Makkovik

PO Box 131, Makkovik,
NL A0P 1J0
709-923-2317

Mary's Harbour

PO Box 128, Mary's Harbour,
NL A0K 3P0
709-921-6229

Marystown

PO Box 1240, Marystown,
NL A0E 2M0
709-279-3001

Nain

PO Box 448, Nain, NL
A0P 1L0
709-922-2862

Natuashish

PO Box 181, Natuashish,
NL A0P 1A0
709-478-8900

New-Wes Valley

PO Box 129, New-Wes Valley,
NL A0G 4R0
709-536-2419

Piccadilly

40 Oregon Dr, Stephenville,
NL A2N 3M3
709-642-5316

Placentia

PO Box 160, Placentia,
NL A0B 2Y0
709-227-2000

Port Saunders

PO Box 99, Port Saunders,
NL A0K 4H0
709-861-3555

Rigolet

General Delivery, Rigolet,
NL A0P 1P0
709-947-3400

Rocky Harbour

PO Box 70, Rocky Harbour,
NL A0K 4N0
709-458-2222

Roddickton

PO Box 159, Roddickton,
NL A0K 4P0
709-457-2468

Sheshatshiu

Stn B, PO Box 1480,
HV-Goose Bay, NL A0P 1E0
709-497-8700

Springdale

PO Box 190, Springdale,
NL A0J 1T0
709-673-3864

Stephenville

40 Oregon Dr, Stephenville,
NL A2N 3M3
709-643-2118

St. Anthony

PO Box 117, St. Anthony,
NL A0K 4S0
709-454-3543

Trepassey

PO Box 29, Trepassey,
NL A0A 4B0
709-438-2700

Twillingate

PO Box 400, Twillingate,
NL A0G 4M0
709-884-2811

Whitbourne

PO Box 160, Placentia,
NL A0B 2Y0
709-759-2801

PARENT HELP LINE

Tel: 1-888-603-9100

**SEXUAL ASSAULT CRISIS
AND PREVENTION CENTRE**

360 Topsail Road, Suite 101
St. John's, NL A1E 2B6
Tel: 1-800-726-2743

**coordinator@
sexualassaultcentre.nf.net**

**MENTAL HEALTH
SERVICES CRISIS LINE**

Tel: 1-888-737-4668

WOMEN'S CENTRES**St. John's**

Tel: 709-753-0220

Gander

Tel: 709-256-4395

Grand Falls-Windsor

Tel: 709-489-8919

Corner Brook

Tel: 709-639-8522

Bay St. George

Tel: 709-643-4444

Port-aux-Basques

Tel: 709-695-7505

Labrador West

Tel: 709-944-6562

Mokami

Tel: 709-896-3484

Torngait Inuit Annait

Tel: 709-923-2156

Iris Kirby House

St. John's, NL
Tel: 709-753-1492

Naomi Centre

Tel: 709-579-8432
St. John's, NL

Grace Sparks House
P. O. Box 327
Marystown, NL A0E 2M0
Tel: 1-877-774-4957

Cara Transition House
P.O. Box 305
Gander NL A1V 1W7
Tel: 709-256-7707
Tel: 1-877-800-2272

**Corner Brook
Transition House**
PO Box 152, Corner Brook
NL A2H 6C7
Tel: 709-634-4198

Libra House
PO Box 449, Station.B
Happy Valley, Goose Bay,
NL A0P 1E0
Tel: 709-896-3014

Hope Haven
Labrador City, NL
Tel: 709-944-6900

Nain Safe House
PO Box 447,
Nain, NL A0P 1L0
Tel: 709-922-1230

**Sheshatshiu Nukum
Munik Shelter**
Box 160, Sheshatshui,
NL A0P 1M0
Tel: 709-497-8869

Natuashish Safe House
Tel: 709-478-2390

CHILDREN

Office of the Child Youth Advocate

Suite 604, TD Place
140 Water Street
St. John's, NL A1C 6H6
Tel: 709-753-3888
Tel: 1-877-753-3888

Kids Help Phone
Tel: 1-800-668-6868

ELDER ABUSE

**Seniors' Resource Centre
of Newfoundland and
Labrador**
280 Torbay Road, Suite W 100
St. John's, NL A1A 3W8
Tel: 709-737-2333
Toll Free: 1-800-563-5599
Fax: 709-737-3717
E-mail:
info@seniorsresource.ca

LAWYERS/LEGAL RESOURCES

**Public Legal Information
Association of NL**
Suite 227, 31 Peet Street
St. John's, NL A1B 3W8
Tel: 709-722-2643
Toll Free: 1-888-660-7788
Fax: 709-722-0054
info@publiclegalinfo.com
www.publiclegalinfo.com

Note: We do not provide legal
advice however, we do host a
Lawyer Referral Service

Newfoundland and Labrador Legal Aid Commission

St. John's
Tel: 709-753-7860

Carbonear
Tel: 709-596-7835

Clarenville
Tel: 709-466-7138

Corner Brook
Tel: 709-639-9226

Gander
Tel: 709-256-3991

Grand Falls-Windsor
Tel: 709-489-9081

Happy Valley- Goose Bay
Tel: 709-896-5323

Marystown
Tel: 709-279-3068

Stephenville
Tel: 709-643-5263

Information about Legal Aid
can be accessed online at:
[www.justice.gov.nl.ca/just/
Other/otherx/legalaid.htm](http://www.justice.gov.nl.ca/just/Other/otherx/legalaid.htm)

Labrador Legal Services
Happy Valley, NL A0P 1E0
Tel: 709-896-2919
Tel: 709- 896-2588

GOVERNMENT AGENCIES

Vital Statistics Division

Department of Government
Services

P.O Box 8700

St. John's, NL A1B 4J6

Website:

www.gs.gov.nl.ca/gs/vs/

E-mail: vstats@gov.nl.ca

Tel: 709-729-3308

VICTIM SERVICES

St. John's

Tel: 709-729-0900

Carbonear

Tel: 709-945-3019

Clarenville

Tel: 709-466-5808

Marystown

Tel: 709-279-3216

Gander

Tel: 709-256-1028

Grand Falls-Windsor

Tel: 709-292-4544

Stephenville

Tel: 709-643-6588

Corner Brook

Tel: 709-637-2614

Port Saunders

Tel: 709-861-2147

Happy Valley Goose Bay

Tel: 709-896-0446

Nain

Tel: 709-922-2360

Support Enforcement

Division

Department of Justice

9th Floor, Sir Richard Squires
Building

P.O. Box 2006

Corner Brook, NF A2H 6J8

Tel: 709-637-2608

Fax: 709-634-9518

Newfoundland and

Labrador Gazette

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