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| ONTARIO  |
|  |  | Court File Number      |
| (Name of court)  | Affidavit for Binding JDR Hearing |
| **at** |       |
|  | Court office address  |
| Applicant(s) |
| Full legal name & address for service — street & number, municipality, postal code, telephone & fax numbers and e-mail address (if any). |  | Lawyer’s name & address — street & number, municipality, postal code, telephone & fax numbers and e-mail address (if any). |
|       |  |       |
|  |
| Respondent(s) |
| Full legal name & address for service — street & number, municipality, postal code, telephone & fax numbers and e-mail address (if any). |  | Lawyer’s name & address — street & number, municipality, postal code, telephone & fax numbers and e-mail address (if any). |
|       |  |       |
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## **Instructions:**

* *Complete the applicable sections of this affidavit for the issues to be dealt with at the JDR hearing. The affidavit should not exceed 10 pages plus allowed attachments (noted in bold). You can delete any sections, including these instructions, that do not apply to your case.*
* *Attach a* ***draft order*** *with the terms that you are seeking relating to (i) decision-making and time-sharing for the children, (ii) child support (including contributions towards special or extraordinary expenses for the children such as childcare or summer camp), (iii) spousal support, and (iv) equalization payments for property (for married spouses).*
* *If child or spousal support is an issue, complete the Income section and the Child/or Spousal Support sections of this document.*
* *If you are only asking for child support in accordance with the table amount of the Child Support Guidelines, you do not need to provide details of your income as support is based on the income of the support payor.*
* *If child support and/or spousal support are in issue, include your* ***support calculations*** *to help establish the amount and length of support payments.*
* *If you have documents supporting your position on any issues, attach them to this affidavit. These will not count in the 10-page limit permitted for this affidavit.*
* *If a divorce is sought and (i) you have paid the necessary fees, and (ii) the Court has received a clearance certificate, you can include a completed* ***Form 36 Affidavit for Divorce*** *with your materials and request a divorce order from the judge.*

1. My full legal name is:

2. I live in *(include municipality and province)*:

3. My evidence for the Binding Judicial Dispute Resolution hearing is set out below. I swear/affirm that these statements are true.

4. The other party and I *(check applicable boxes and* *include applicable dates)*:

[ ]  Started living together on

[ ]  Were married on

[ ]  Were separated on

[ ]  Were divorced on

[ ]  Division of property:

[ ]  Never lived together but were in a relationship from  to

5. The following issues have already been settled in this case:

*(List any issues that have been resolved by written agreement, minutes of settlement or court order. Attach any relevant* ***court orders.****)*

6. I am asking the Court for a final order for:

*(Only include claims that have been made in your application, answer, motion to change or response to motion to change.)*

[ ]  Decision-making for the child(ren)

[ ]  Parenting time with the child(ren)

[ ]  Contact with the child(ren)

[ ]  Support for the child(ren)

[ ]  Support for myself

[ ]  An order relating to equalization of our net family property or property that we own

[ ]  A divorce

[ ]  Other:

7. I agree to the orders that have been sought in the following paragraphs of the other party’s draft order:

## **Parenting Orders**

8. There is/are *(number)*  of child(ren) from our relationship namely:

|  |  |  |  |
| --- | --- | --- | --- |
| **Legal Name** | **Birthdate** | **Grade/School** | **Now living with** |
|       |       |       |       |
|       |       |       |       |
|       |       |       |       |

9. I ask that the Court address the child/children’s special needs as follows:

*(Explain any child’s special needs and how they should be addressed in the parenting arrangements.)*

10. *(Complete if applicable)* I want the Court to read the attached **reports** from the Office of the Children’s Lawyer, school or other professional regarding the children:

11. My plan for the care and upbringing of the child(ren) is as follows:

* Decisions for the child(ren) (including education, medical care and religious upbringing) should be made as follows *(*c*heck the applicable box)*

[ ]  Jointly by me and *(names of person(s))*

[ ]  By me regarding all decisions

[ ]  By me regarding only *(insert)*  decisions

* Time sharing arrangements for the children as follows*:*

* Other:

12. *(Describe why your proposed time-sharing arrangements, communication and decision-making orders are in the best interests of the children. Summarize the important facts that the judge should know in support of your requested orders.)*

## **Support Orders – Income**

13. If child and/or spousal support is an issue, give the total annual gross incomes for both parties:

Applicant $  for the year 20

Respondent $  for the year 20

14. The amount of annual income that I receive comes from:

* Employment $
* Commissions, tips, overtime or bonuses $
* Government benefits $
* Self-employment *(include a breakdown of how this figure was calculated) $*
* Other *(specify)* $

These figures are confirmed on my recent

[ ]  Income tax return [ ]  T4 statement [ ]  paystub or [ ]  *(other document)*

15. To the best of my knowledge, the other party earns income from:

* Employment $
* Commissions, tips, overtime or bonuses $
* Government benefits $
* Self-employment *(include a breakdown of how this figure was calculated) $*
* Other *(specify)* $

These figures are confirmed by the other party’s recent

[ ]  Income tax return [ ]  T4 statement [ ]  paystub or [ ]  *(other document)*

## **Child Support**

*Party requesting child support, s. 7 expenses and/or arrears to complete:*

16. The existing arrangements for child support are:

*(If these arrangements are under an agreement or court order, provide details and date of order*.*)*

17. **Arrears:** There is outstanding child support in the amount of $ , as of *(date)* , which is

[ ]  shown on the attached **Statement of Arrears** from the Family Responsibility Office; or,

[ ]  calculated as follows:

18. I am claiming support in the amount of $  per month for *(number)*  of child/ren starting on *(date)*  based on the payor’s annual income and our parenting schedule.

*(If you have relied on a figure that is different from the table amount under the Guidelines, indicate the basis for the adjustment.)*

19. Section 7 expenses: I am seeking a contribution to the following special or extraordinary expenses for the children pursuant to Section 7 of the *Child Support Guidelines.*

*(Include the amount of each expense, how often it is paid and your calculation of how the expense should be shared between the parties. If you are including a claim for past Section 7 expenses, attach the receipts to this Affidavit.)*

20. I am requesting additional orders relating to child support as set out in my draft order. The important facts supporting these requests are

***Party being requested to pay support to complete:***

21. In response to the request for child support, Section 7 expenses and arrears *(check the applicable box)*:

[ ]  I agree with the amount of support being requested in paragraphs 16 to 20 above; or,

[ ]  I do not agree with the amounts being requested. My calculation of the appropriate amount of base child support, Section 7 expenses and/or arrears is:

*(Provide your calculations and identify the differences between you and the other party.)*

## **Spousal Support**

***Both parties to complete if spousal support is an issue:***

22. The existing arrangements for spousal support are:

*(If under an agreement or order, provide details and the date when payments began.)*

23. **Arrears:** There is outstanding spousal support in the amount of $ , as of *(date)* , which is

[ ]  shown on the attached **Statement of Arrears** from the Family Responsibility Office; or,

[ ]  calculated as follows:

24. I am requesting an order that spousal support payments be set at $  per month, beginning on *(date)*  and continuing until *(date/event)* .

25. The important facts supporting my position regarding spousal support are:

*(Include your evidence to address entitlement, amount and length of spousal support payments including (i) the recipient’s need for spousal support, (ii) the payor’s ability to pay spousal support, (iii) the roles assumed by each party during the relationship and the impact of those roles on their ability to support themselves and (iv) information about efforts to seek employment or retrain, where appropriate.)*

## **Property Issues**

26. Attached is my most up-to-date **Net Family Property Statement** and **Comparison of Net Family Property Statement** that notes the specific items that are not agreed to by the parties.

27. The important facts supporting my position regarding the **disputed** items are as follows *(attach* ***documents*** *that support your position)*:

## **Additional Issues**

28. Other important facts about the issues that the Court will be dealing with are:

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| Sworn/Affirmed before me at |  |  |  |  |
|  | (municipality) |  |  |  |
| in |       |  |  |  |
|  | (province, state, or country) |  |  |  |
| on |  |  |  |  |  | Signature(This form is to be signed in front of a lawyer, justice of the peace, notary public or commissioner for taking affidavits.) |
|  | (date) |  | Commissioner for taking affidavits(Type or print name below if signature is illegible.) |  |  |