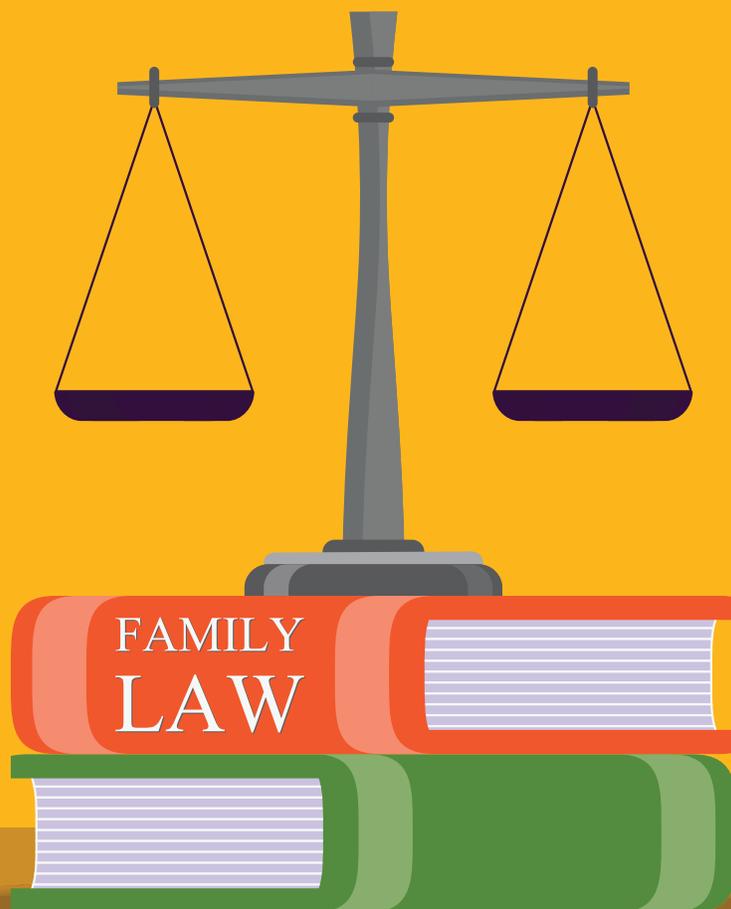


How to Go to Family Court Without a Lawyer

A Handbook



**Community Legal
Information**

Empowerment Through Knowledge

Contents

Introduction

Should I Take Legal Action?	4
How to Take Legal Action	7

Taking Legal Action

Legal Issues and Evidence	14
Tips for Legal Writing	29
Tips for Legal Research	33

Going to Court

Getting Ready for Court	35
What Happens in Court	42
Resolutions	56

Glossary	62
-----------------	----

Resources

Support Services	67
More Resources	70

Introduction

This project was made possible through the generous support of the Law Foundation of Prince Edward Island. While financially supported by the Law Foundation of Prince Edward Island, this handbook does not necessarily reflect the views of the Foundation.



Purpose of this Handbook

A **self-represented litigant** (SRL) is someone who represents themselves instead of hiring a lawyer to represent them. Many people self-represent in family law cases.

This handbook is designed to help you:

- Understand family law processes.
- Get organized for family court.
- Present your case well.

Some SRLs hire a lawyer to help with parts of their case. This handbook may be useful even if you plan to hire a lawyer.

How to Use this Handbook

It can be helpful to read the whole handbook before you take legal action, so that you know what steps are next. You can also take notes in the handbook. Going to court is complicated. Please take the time to read this handbook carefully.

There are many legal words in this handbook. Each legal word is **bolded** and defined the first time it is mentioned. At the back of the handbook, there is a glossary of legal words with definitions.



Every legal case is different. The information in this handbook is not legal advice, and it does not replace guidance from a lawyer.

Should I Take Legal Action?

Going to court can be a long and stressful experience.

Taking legal action means a judge who does not know you or the other party will decide the matter. The **other party** is the person or people on the other party of your legal dispute. In a family law case, the other party is usually your ex. Sometimes both you and the other party may be unhappy with the result.

If you have children, the judge will put their interests first. What the judge thinks is best for your children might be different from what you think is best.



Starting a court proceeding doesn't always mean you will go to a hearing or a trial. A legal issue can be resolved at any point during a proceeding.

Considering Out-of-Court Options

Before you decide to take legal action, think about Dispute Resolution. **Dispute Resolution** is a word for the different ways people can resolve conflicts out of court.

Dispute Resolution sometimes has better results than going to court and is often much less expensive.

Here are some types of Dispute Resolution:

- **Negotiation** is talking with the other person and trying to come to an agreement. For example, you may both agree that the education of your children is the most important financial priority, or that you want as little disruption to your children's lives as possible. You may think that you don't agree with your ex on anything, but you may be surprised. Some people can resolve a lot on their own.
- **Mediation** is when you, your ex and a mediator sit down together to resolve disagreements. The mediator may meet with each of you separately first to learn more about the conflict. The mediator will then meet with you and your ex together and give each of you the opportunity to speak and to listen. The mediator is neutral and will help you to speak to one another in a positive way. One of the goals of mediation is to create a better way for you and your ex to communicate in the future.
- **Collaborative Practice** involves you, your spouse, your collaborative lawyers, and sometimes other support professionals, like finance or mental health professionals. The group must agree to resolve the issues without going to court. The process is based on mutual respect and the best interests of the family.

* Negotiation and Mediation may not be appropriate if there is a power imbalance or violence in the relationship.



**Free Child-Focused
Family Mediation
with the Family
Law Centre**

**Phone
902-368-6928**

Child-Focused Family Mediation

The Family Law Centre, with the Department of Justice and Public Safety, offers free child-focused family mediation.

Child-Focused Family Mediation helps parents make an agreement about parenting time and decision-making responsibility.

The Decision to Self-Represent

People decide to self-represent for different reasons. Often, it is because they can't afford a lawyer. It can also be because they don't agree with their lawyer's advice.

Unbundling services is when a lawyer agrees to represent you for part of a legal proceeding, without taking on your whole case. For example, a lawyer may appear in court with you, or help you prepare a document. This can be a less expensive way to get legal support. Some lawyers are willing to do this, others are not. Contact a lawyer to see if they offer unbundled legal services.

If there are any changes to how you will be represented in court, you must notify the other party, and the court, of the change. This includes if you did not have a lawyer before and you now have hired one, or if you had a lawyer but will now represent yourself.

Support with Mental Health

Family law proceedings can be challenging and stressful. It is important to take care of yourself throughout the process. Try to keep your emotions outside of the process. If you need to speak with someone, reach out to a friend, a mental health professional, or the Island Helpline. For the Island Helpline, call **1-800-218-2885**.

How to Take Legal Action

If you can't resolve issues outside of court, you can ask the court to get involved. Judges can only make decisions about certain types of family issues. Judges can make decisions about:

- Parenting time and/or decision-making responsibility
- Child support
- Spousal support
- Division of assets (including money and property)

How Family Court Works in PEI

In PEI, when you go to family court, there are certain steps you can expect. You can generally expect that:

1. Your court proceeding will start with paperwork.
2. After the paperwork, you will attend a conference with the other party and a judge to try and resolve the issues.
3. If the conference doesn't resolve the issues, the court may schedule a hearing.
4. If the hearing doesn't resolve the issues, the judge may send the matter to trial. Before the trial is scheduled, you will have another conference with a judge to try and resolve the issues.
5. If the conference doesn't resolve the issues, your matter will go to trial.

Be sure to read this whole handbook to get more specific information about each of these steps.

Introduction

Rules of Court

The **Rules of Court** are your guide to legal process. Spouses can be legally married or unmarried (also called common-law). If you are legally married, your process will be different than if you are unmarried. Each rule has a number. The main rule for divorce actions is Rule 70. The main rule for family law proceedings is Rule 71. The most used procedural rules are rules 14, 16, 25, 37, 38 and 39. Read the rules carefully. Take notes on what the rules tell you to do in your situation. The Rules of Court are available online, here:

www.courts.pe.ca/rules-of-civil-procedure.

Pleadings

Things that happen in court are called legal actions or proceedings. Most legal actions start with some type of paper document called a pleading. A **pleading** asks the court to order the outcome you want. Both parties in a case will get a chance to write pleadings. In a pleading, you:

- Identify your legal matter
- State your position (the outcome you want)
- Briefly outline the facts that support your position

The Rules of Court outline the types of things you can ask for in your pleadings. The court can only make orders based on what you ask for in a pleading. A judge cannot decide an issue that you or the other party did not present in the pleadings. For example, if you apply only for spousal support, the judge can't make a decision about your house.

PEI Court Forms show how pleadings should look. Find the right form and use it as a guide when you write each legal document. You must follow the format in the Court Forms. The Court Forms are available online, here:

www.courts.pe.ca/forms.

The Rules of Court explain which Court Form you need to use for each step of a legal proceeding.

The first document given to the court to start a proceeding is called the **originating process**. The originating process is a type of pleading.

Review tips for legal writing on page 29 before you write a pleading. Don't include evidence in a pleading. Evidence is discussed on page 14.

How to File Legal Documents

Filing is bringing a copy of your completed documents to the courthouse. You must pay a filing fee for some documents. A Court Registrar will open a court file and assign a court number. Court Registrar will not give you legal advice, but they will review your forms to make sure they are complete.

How to Serve Legal Documents

You must share your pleadings with the other party. **Serving** is making sure the other party receives a copy of a legal document. Usually, a person other than you serves documents to the other party. This person is called a **server**. A server can be a sheriff, a friend, or a professional you hire (called a **process server**).

If you have dependent children, you must send copies of your documents to the Director of Child Protection.





The originating process is filed first and served second. Most other documents must be served first and filed second. The originating process should be sent to the other party through one of these ways:

- Delivered by hand to the other party by a server OR
- Delivered to the other party's lawyer (if the lawyer has instructions to receive documents) OR
- Registered mail

You must have proof your documents were served. You will have different proof depending on how your documents were served. Options include:

- A signed delivery notice
- An Affidavit of Service (Form 16B) signed by the server that says they gave the legal documents to the other party
- An Acknowledgement of Receipt (Form 16A), signed by the other party that says they received the legal documents
- A copy of the documents signed by the other party

Read Rules 16, 17, and 18 about serving. Read them carefully to make sure you are serving each document in the correct way.



You must file and serve documents within the timelines set out by the Rules of Court. Filing or serving late may affect your right to defend your case in court.

Titles of Parties

The parties are referred to by different titles, depending on the legal issue and if they started the proceeding. The person who starts the proceeding is called the **Applicant**, the **Petitioner**, or the **Plaintiff**. The person who responds to a proceeding is called the **Respondent** or the **Defendant**. The Rules of Court have detailed information about who will be called what during the legal process.

Legal Process Examples

The Rules of Court have different steps depending on what you want and if you are married or unmarried. Here are two examples of PEI cases.

Example of Divorce Actions Steps (Rule of court 70)

Mary and John live in Stratford. They are legally married. They have a house and two children. They separated a year ago. They did negotiation to resolve some of their disagreements. Now, Mary wants to start the process for divorce. She reads Rule of court 70. Rule 70 outlines family law proceedings under the *Divorce Act*.

Mary prepares an originating process for Divorce. This means she writes a Petition for Divorce (Form 70A) and a Designation for Address for Service (Form 16A.1). She files these documents and then has someone serve them on John. In the Petition for Divorce, Mary asks for equal parenting time for her and John.

John serves and files an Answer and Counterpetition (Form 70D and 70B). In this document, he argues that a different parenting plan is better for the children. He also raises the matter of the house because he wants it to be included in proceedings.

Mary serves and files an Answer to Counterpetition (Form 70F). In this document, she states her position on the house.

Introduction

Example of Family Law Proceeding Steps (Rule of court 71)

Noor and Kate are not legally married. They lived together as spouses for five years in Summerside with one child. After separating three years ago, they shared parenting time of their child. Now, Kate needs to move to Charlottetown for work. She tells Noor that she wants their child to switch to a Charlottetown school. Noor thinks their child should stay in the same school and live with her full time. Noor decides to take the issue to court. She reads Rule of court 71. Rule 71 outlines family law proceedings under the *Family Law Act* and the *Children's Law Act*.

Noor prepares a Statement of Claim (Form 14A). In the Statement of Claim, Noor asks the court for an order about their child. She says it is in the best interests of their child to stay at the same school in Summerside and spend weeknights with Noor. She suggests that Kate drive to Summerside for visits with their child. Noor files then serves the Statement of Claim and Designation of Address for Service (Form 16A.1).

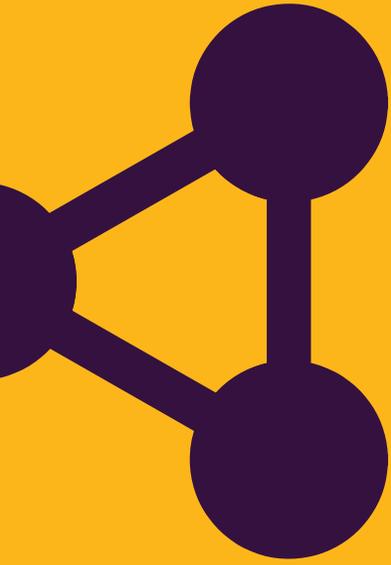
Kate serves and files a Statement of Defence (Form 18A). In this document, she argues that it is in their child's best interests to switch to a school in Charlottetown. She says that their child can spend every weekend and holiday with Noor.

Noor decides she doesn't want to continue with the legal process. She calls Kate and asks her if they can try mediation. Kate agrees that she would prefer to resolve the case out of court.

These are examples. Read the Rules of Court for steps that make sense for your situation.

Taking Legal Action





Legal Issues and Evidence

This section explains how to identify your legal issue and support your arguments with evidence.

Determining your Legal Issues

Take some time to think about what you want. Write it down. If you have dependent children, what would it mean for their lives? The court makes decisions based on the children's best interests. You should too. Think about what the outcome would mean for your life and your ex's life.

A lawyer may be able to give you a good idea of how likely you are to get what you are asking for. If you don't have a lawyer, be honest with yourself. Do you honestly think what you're asking for is best for your children? Or, if you don't have children, do you honestly think what you're asking for is best for you? If the answer is no, think about taking a different position.

If you are starting the legal proceeding, think about if there are issues that may be resolved outside of court. Read the Rules of Court to make sure you are using the correct Court Forms.

If you are responding to the legal proceeding, review the documents carefully. What do you agree with? What do you not agree with? You need to make a case for the outcome you want, and a case against the other party. You can only respond to the issues in the originating process. If you want to raise other issues, you need to file a counterclaim (family law proceeding) or counterpetition (divorce proceeding).

Helpful Resources

Pro Bono Legal Advice Clinic for Self-Represented Litigants:

This clinic offers free legal advice in the areas of family law and civil law. SRLs can meet with a volunteer lawyer for a 45-minute consultation. The clinic is by appointment. Call the Court Services Manager at **902-368-6005**. This Clinic is not run year-round. Call for more information.

Lawyer Referral Service: 1-800-240-9798 or 902-892-0853.

The Lawyer Referral Service is administered by Community Legal Information. You may access up to 45 minutes of consultation with a lawyer for \$25 + tax. This service provides legal advice only, and not drafting or review of legal documents.

Child Support Services Office. This office provides services such as the Child Support Guidelines Office and the Recalculation Office.

Child Support Guidelines Officer: 902-368-6220. A Child Support Guidelines Officer can give you information about the amount of child support your child may be entitled to under the *Federal Child Support Guidelines*. The Officer can also assist you to apply for child support, or to change an existing child support order or agreement. Child Support Guidelines Officers can't give you legal advice.

Recalculation Officer: 902-368-4109. If you have a child support order or agreement that provides for yearly recalculation of child support, you may be able to register your order or agreement with the Recalculation Officer to get your child support recalculated annually. Only certain orders are eligible for recalculation. Contact the Recalculation Officer to see if you are eligible.

Taking Legal Action

Gathering Evidence

To support your position, you must provide evidence. **Evidence** is information that shows something is true. For example, a pay stub could be evidence that you are employed. Gather information you could use as evidence. Use these checklists as a starting point. The information you need will depend on your situation.

Information for Matters Involving Children (parenting time and decision-making responsibility):

- Children's names and birthdates
- Where the children go to school and what grade each child is in
- The occupation of each parent
- General work schedule for each parent
- How parents shared parenting time and decision-making responsibility when they were together
- How parents have shared parenting time and decision-making responsibility since separation
- Who arranged visits to the doctor and dentist?
- Who was responsible for arranging after school activities, like parent-teacher meetings and homework?
- How parents are communicating with each other since separation
- Descriptions of any problems the children have that the court may want to consider (for example, challenges with school, health issues, mental health issues)
- Descriptions of any problems you or the other parent have that impact your capacity or their capacity to care for the children (for example, medical problems, addictions).

If there was a previous parenting order, you will also need:

- Information about what has changed in the child's needs or circumstances since the last order was made, and how this change affected the children
- Information about previous parenting time, dates and circumstances, duration of parenting time, missed parenting time, and reasons for missed parenting time

Information for Child Support:

- Children's names and birthdates
- How the children's time is divided between the parents
- (If some or all the children receive child support from another person) the child support agreement or court order, or proof of payment, or some other document showing the frequency and amount of child support
- The occupation of each parent
- The income of each parent (two recent consecutive pay stubs, tax returns, notices of assessment or reassessment)
- Details about any special expenses that require additional child support (for example, sports, travel, braces, medications)

If there was a previous child support order, you will also need:

- Information about what changed since the last order was made, and how this change would require a different amount of support to be paid under the *Federal Child Support Guidelines*
- Information about previous child support payments, including missed payments



Taking Legal Action

Information for Spousal Support:

- The date you began to live with your ex
- The date you got married (if applicable)
- The date of separation
- Your age and birthdate and your ex's age and birthdate
- Information about your current health and your ex's current health
- Any factors limiting your ability to work or your ex's ability to work
- Your current employment circumstances and income
- Your ex's current employment circumstances and income
- Your employment history during your relationship, including periods of unemployment
- Your ex's employment history during your relationship, including periods of unemployment
- A description of your living expenses after separation
- A description of your ex's living expenses after separation
- Any career sacrifices you or your ex made during the relationship
- Your education and training history (before and during the relationship)
- Your ex's education and training history (before and during the relationship)
- Your education and training after separation (especially related to finding employment)
- Your ex's education and training after separation (especially related to finding employment)
- The ages and school status of children at the date of separation
- Parenting arrangements (for example, child support arrangements)

- Any agreements that the parties had about the roles of the parties during the relationship (for example, agreeing that one parent stay at home until the children are old enough to go to school)

If there was a previous spousal support order, you will also need:

- Information on what has changed since the last order was made, and how this change affects your ability to pay spousal support or how this changes your need for support
- Information on previous spousal support payments, including missed payments

Keep copies of emails, letters, and notes from phone calls about your legal issue. Don't assume that you will remember every important detail. You can use this table:

Phone Calls About My Legal Issue		
Date and Time	Person I Spoke With	Notes

Taking Legal Action

While you are gathering evidence, collect as much information as possible. It is important to be honest with the judge so they can make a good decision. Don't ignore information that you think embarrasses you or that hurts your case. It can make it look like you are hiding something important. The judge may think that you don't have your child's best interest in mind (if you have dependent children).

No one is perfect.

If you hire a lawyer for any part of your case, you must give them the information they need. Don't hold back information that embarrasses you or hurts your case. Hiding information will make it harder for your lawyer to help you.



In a family legal matter, usually only the parties and their lawyers are allowed in the courtroom. If you don't have a lawyer, you can ask the court for permission to bring a friend to support you. You must ask the court for permission in advance. If the court allows this, your friend may come into the room with you but may not participate in the proceeding or sit at the council desk (the desk where you sit). Only ask to bring a friend if you think they will be calming and helpful.

Witnesses

A **witness** is someone who can share first-hand information about a case. First-hand information is what someone has heard, seen, or experienced. If the judge accepts information that your witness gives, it becomes evidence.

Witnesses can't share information about what they believe happened or opinions (unless they are expert witnesses).

Witnesses often aren't allowed to share **hearsay** (information they heard from someone else). But, there are some situations where hearsay is allowed. Read the Rules of Court for more information.

Choose witnesses that can give facts that help your case. In a family law matter, you will likely be a witness for your own case. You can ask almost anyone who has first-hand information about your legal issue to be a witness. If your matter goes to a hearing or a trial, your witnesses will likely testify in court. Make sure each of your witnesses is prepared to testify in court.

You can't use your children as witnesses. If necessary, the judge will order that a family court clinician:

- Interview your child and prepare a report on the views of your child and/or
- Complete a Parenting Arrangement Assessment

A **Parenting Arrangement Assessment** (previously called a home study) provides neutral evidence to the court about the parenting situation and best interests of the child. The Parenting Arrangement Assessment will also recommend a parenting plan. If an assessment is ordered, cooperate.





Presenting Evidence

An **affidavit** is written evidence given by a witness. Affidavits must be written in a specific way. There are rules about what can be included. There is a specific process for signing affidavits. This process is explained on page 25.

Testimony is spoken evidence given by a witness under oath in court. **Testifying** is giving spoken evidence in court.

An **exhibit** is a document or object that the judge agrees can be used as evidence. An exhibit is attached to an affidavit or given in court during a hearing or trial. For example, a photograph, income tax return or your child's report card could be used as exhibits if the judge agrees. The judge decides if something is used as an exhibit. Be aware that the other party can object to an exhibit if you present one in court. Documents you intend to use as exhibits must be shared with the other party before the hearing or trial.

Evidence is presented differently at hearings than trials.

In a hearing, you present most of your evidence in the form of affidavits, and the judge reads them. This is why it is important to make sure the affidavits are complete. At the hearing, the other party has the opportunity to cross-examine your witnesses. **Cross-examination** is when the other party asks a witness questions. During cross-examination, the witness can be asked questions about anything relevant. Cross-examination is often used to point out mistakes in the witness's testimony or make them seem less reliable. You will also have the opportunity to cross-examine the other party's witnesses.

In a trial, there is an examination for each witness, followed by the opportunity for cross-examination. **Examination** is when the party who called the witness asks the witness questions to get information to support their case. Examination is also called direct examination. When you call a witness, the other party will have the opportunity to cross-examine your witness. You will also have the opportunity to cross-examine any witnesses who were examined by the other party.

Tips for Writing an Affidavit

- Use Court Form 4D as a guide.
- Your affidavit must be on unlined, white paper.
- It is always better to type your affidavit on a computer and print it out.
- Use full sentences, not bullet points.
- Number each page.
- Number each paragraph.
- Clearly label exhibits and staple them to the back of your affidavit in order.
- In the main part of your affidavit, describe your exhibit and what it shows. You must also refer to you exhibit. For example, you could say, “Attached to this affidavit and marked as Exhibit C is Sue’s grade 3 report card from February 2021. As you can see, her grades were good during in February 2021.”
- Review the “Tips for Legal Writing” on page 29.

Taking Legal Action

Sample Affidavit

April 3, 2021

I, Mary Smith, of Montague, in the County of Kings, Prince Edward Island, Canada, do hereby make oath and say as follows,

1. That I am a grade 3 teacher at Montague Consolidated School.
2. That Sue Li has been a student in my class since September 6, 2021.
3. That I understand Sue has been living full time with her father, Mo Reza since January 2020.
4. That Sue does well in school, arrives at school on time, and is a respectful student.
5. Attached to this affidavit and marked as Exhibit C is Sue's grade 3 report card from February 2021. As you can see, her grades were good in February 2021.

Date _____

Signature _____

The Process for Signing Affidavits

There are rules for how an affidavit must be signed. It must be signed and sworn before a Commissioner for Oaths or a Commissioner for Taking Affidavits.

A **Commissioner for Taking Affidavits** is someone who confirms that a witness swore or affirmed their evidence is true. When a witness has written an affidavit, they must swear or affirm that its content is true in front of the Commissioner. This means the witness must sign the affidavit in front of the Commissioner. The witness can't bring a signed affidavit to a Commissioner. The Commissioner won't read the affidavit or give advice on how the affidavit is written. Their job is to confirm that the witness swore that the content was true and that the witness wasn't forced to sign the affidavit. The witness must show photo identification to the Commissioner.

Community Legal Information provides this service for free. Email info@legalinfopei.ca or call **1-800-240-9798** or **902-892-0853** to make an appointment.

The Prothonotary notarizes affidavits and similar documents for a small fee. The **Prothonotary** is the chief legal officer of the court of Appeal and the Supreme court. To book an appointment, call **902-368-6067**.

All PEI lawyers, Member of the Legislative Assembly (MLAs), Members of Parliament (MPs) and officers in the Canadian Forces may act as Commissioners. Some organizations, such as banks, may also have members of staff who are Commissioners. Some of these people may charge fees.



Taking Legal Action

How to Stay Organized during Legal Process

There is a lot of information involved in going to court. Staying organized will help you make sure you don't miss something important or a deadline. Keep a list of your evidence and how you will use it. Keep careful notes. If you court staff ask a question about process or deadlines, write down the answer. There will be too much information for you to remember it all.

You should have a way of organizing your notes and evidence. Everything should be well labeled and easy to find. This may mean keeping all your information in a folder on your computer. Or, it could mean printing it all out and keeping it in file folders. This way, it will be readily available.

Often, people organize their paper notes in binders. Here is an example of how you could organize your binder:

1. Information on dates and deadlines

Date or Deadline	What I Need to Do

2. Your Arguments

I want the following outcome: _____

Argument	Evidence	How the evidence supports the argument

3. Evidence Inventory

Keep a list of all the evidence you have that is relevant to your legal issue.

Evidence	Description of Evidence	Relevance to the Case

Taking Legal Action

4. All your evidence

Keep digital or paper copies of everything you want to use as evidence.

5. All the documents you have served and received

Keep digital or paper copies of all pleadings, affidavits, and other documents. You should keep documents from both your side of the legal issue and the other party.

6. Other communications

Keep digital or paper copies of letters, emails, and proof of documents served. You should also keep a list of the phone calls you make about the legal issue and what was said during the calls.

7. Other notes

Keep all other useful information in your binder too. This could be information you received from court staff, your thoughts about the case, and anything else you think would be useful.



Stick to dates and deadlines. If you have a good reason to miss a deadline, you must write to the court (but not the judge), and to the other party, before the deadline and ask for an extension. You are NOT allowed to write to the judge about anything without prior written consent from the other party.

Tips for Legal Writing

It is important to write your legal documents well. You want the judge to understand your case. Make sure your documents are clear and organized. If your situation is complicated, it is even more important to explain it clearly.

Try your best to separate your feelings of hurt and anger from your court matter. Remember, if you have children, the judge will make decisions based on their best interests. All of your arguments should be centered on the best interests of your children.

The judge is not there to take your side. The judge is there to make the best decision based on the evidence. Here are some tips to keep in mind when you are writing.

Keep it simple. Use plain language and short sentences.

- DO: I do not agree with the other party's plan for parenting time. My plan is better for my children, myself, and Juan.
- DON'T: I can see where the other party is coming from, but in my opinion it is simply not reasonable; my plan for parenting time is vastly more agreeable for everyone involved and I maintain that my children's happiness depends on it.

Don't use slang, idioms, or acronyms.

- DO: It was raining heavily.
- DON'T: It was raining cats and dogs!





Know your audience.

The judge is the main reader of your documents. Be professional and avoid unnecessary details. Don't complain about your ex or previous court decisions. Stay neutral and avoid emotional language.

- DO: We separated on July 5, 2018.
- DON'T: After years of manipulation, secrets, and lies, I finally gave up and left her.

Be specific.

- DO: On March 5, 2020, Maria was prescribed more expensive medication. The cost increased by \$500 per month. This made the total cost of Maria's medication \$600 per month.
- DON'T: Recently, my child Maria was prescribed more expensive medication.

If you can't be specific, don't guess. If you guess, you won't seem trustworthy. It is better to explain why you can't be more specific.

- DO: Recently, my child Maria was prescribed more expensive medication. I don't know why, because Maria's father refused to share the information with me.
- DON'T: Recently, my child Maria was prescribed more expensive medication because she had a mental breakdown of some sort.

Don't exaggerate.

- DO: According to the school's records, he was late dropping the children off to school at least 5 times in March of this year.
- DON'T: He is always late dropping the children off to school.

Don't make accusations.

- DO: Several times when I left our 3-year-old son in Monique's care, I returned home and saw Monique unconscious from substance use.
- DON'T: He was a horrible parent while we were together.

Some documents must be written in first person (I, me). Some documents must be written in third person (he, she, they). If you are writing an affidavit, everything is in first person. For example, "I saw Kyle get into the car with my children on March 3, 2021. I called the police. I understand he was charged with drunk driving." If you are writing a pleading, everything is in third person. For example, "The applicant, Mary Smith, wants sole decision-making responsibility for her children."

More Tips for Good Legal Writing

- You want the judge to find important information easily. A short document is better than a document with lots of unnecessary information.
- Be consistent. Use your ex's full name the first time you mention them in a document. Use their first name for the rest of the document. Do the same for anyone else you mention.

For example, "John Smith (John) and I divorced on March 12, 2020. John was living in Ontario when we divorced. On April 10, 2020, he told me he planned to move back to PEI."

- Give necessary background information about the situation, even if you are repeating information your ex already shared.
- State your point and then support it with evidence.

For example, "It is in the best interest of my child to live with me 50% of the time and 50% with Nina. My apartment is safe and comfortable for my child. I maintain a good relationship with Nina's mother so that my child can spend time with her."

- Type your document. This makes it easier to read.
- Review your work. Spelling and grammar are important. If possible, ask someone else to review your documents too.
- Number your paragraphs and pages. This makes your document easier to read. The Rules of Court require that you number your paragraphs.
- If you made a mistake in any documents you filed and served, you must correct the mistake and tell the court and your ex.

Tips for Legal Research

Using Legislation

Legislation is law that is passed by a federal or provincial government. Legislation relevant to family law includes:

- *Divorce Act* (for divorce or changes to the terms of your divorce)
- *Children’s Law Act* (for parenting time, decision-making responsibility, child support, and parentage)
- *Family Law Act* (for spousal support or property division)
- *Federal Child Support Guidelines Regulations*

You can find links to all of PEI’s legislation here:

www.princeedwardisland.ca/en/legislation/all/all/a.

Using Case Law

When judges make decisions, they make decisions in writing. Written decisions by judges are called **case law**. A case like yours that was previously decided by a judge is called a **precedent**. Look at case law to see how judges have interpreted legislation and applied it to past cases. This can help you to know how a judge might see your case. If a case was appealed, look at the final or most recent decision made by a judge. Write down which cases are relevant to yours and how. This will help you support your arguments.

You can use this resource to learn how to use case law:

www.representyourselfcanada.com/wp-content/uploads/2017/09/Reading-A-Case-Primer.pdf



Going to Court



Getting Ready for Court

Remember: you and the other party can make an agreement at any time during legal proceedings. Just because you started a case in court, doesn't mean you can't decide to go see a mediator, for example. Settlements are discussed on page 56.

Remember: before a hearing or trial, you will have a conference with the other party and a judge. How to prepare for the conference is discussed on page 41.

How to Stay Organized when Going to Court

Read the other party's affidavits. Take notes. Look for anything that is inaccurate or inconsistent. For example, if your ex says they can spend a lot of time with the children, but they also say they work two weeks a month out of province. What questions could you ask the other party's witnesses during the hearing that would show your ex is not asking for the best decision?

Read your affidavits. Look for anything that is inaccurate or inconsistent. This might be hard. But, it is better to be aware of any problems. What questions might the other party ask you? Remember that they are preparing to challenge your case. Write down questions they might ask. Practice answering those questions calmly. How could you answer those questions to show that your case is still strong?

Practice what you plan to say in court with someone you trust. Ask them to ask you hard questions and give you feedback.

You should have a binder of everything you will need when you go to court. You could organize the binder like this:

Going to Court

1. My Arguments

I want this outcome: _____

Argument	Evidence	How the Evidence Supports the Argument

2. Court Documents

Include everything you filed with the court, everything you received from the other party, and everything you received from the court.

3. Your Opening Statement

You can use this as a template for your opening statement:

I seek this outcome or court order:

My arguments for why this should be the outcome or court order are:

I will use this evidence to support my arguments:

The court previously made these court orders (include interim orders):

4. Exhibits

You should have four copies of every exhibit you will present in court. One for you, one for the judge, one for the witness, and one for the other party. Keep notes about why you are presenting these exhibits.

5. Your Witnesses

Keep a list of your witnesses. If you are going to a hearing, you should also keep copies of your witnesses' affidavits. If you are going to trial, you should keep notes about the questions you plan to ask each witness in examination.

6. Cross-examining Questions

Keep a list of questions you may ask the other party's witnesses during cross-examination. Also keep a list of issues you might want to ask any witness about. It is hard to plan questions when you don't know what the witness is going to say.



Going to Court

7. Your Closing Statement

The facts of the case are:

I showed the court this evidence:

Information from the other party you want to challenge	Why you want to challenge it	What the judge should consider

I would like the court to make this court order:

This court order would be the best outcome because:

Remember to include blank paper in your binder for notes.

Going to Court

Use this checklist to make sure you are prepared for court:

- My court date and time is: _____
- The address of the court is: _____
- I have all the documents I need, and they are organized.
- (If you have a lawyer for your court appearance) the lawyer has all the information they need.
- (If a friend is coming to support you) the other party and the court know that my friend is coming to support me. My friend knows the date, time, and location of my court appearance, and how they can support me.
- (If you have children) I have childcare plans for when I'm in court.
- (If you have witnesses for a hearing or trial) my witnesses know the date, time, and location of their court appearances.
- (If you are examining your witnesses at a hearing or trial) I gave my witnesses a list of questions I will ask them, so they won't be surprised.

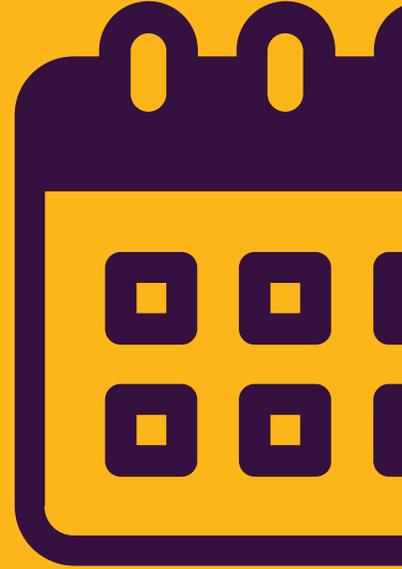
Pre-Trial and Pre-Motion Conference Memoranda

In most cases, before you have a family law hearing or trial, there is a conference process. A judge who is not the judge at the hearing or trial will sit down with you and the other party. You, the judge, and the other party will discuss the issues and try to resolve them.

You must fill out a form before the conference.

A **conference memorandum** sets out the legal issues you are asking the judge to consider at your trial or hearing. There are two types of conference memorandum. If you have a hearing, you will fill out a pre-motion conference memorandum (form 70BB). If you are having a trial, you will fill out a pre-trial conference memorandum (form 50A).

There are instructions about submitting these documents in the Rules of Court. There is more information about pre-trial and pre-motion conferences on page 46.





What Happens in Court

This information will help you know what to expect when you go to court.

General Information about Going to Court

Everyone must go through security before entering the courthouse. Security staff may ask to search you and/or your bag. No drugs, alcohol, or weapons are permitted.

If you have a lawyer to go to court with you, they will present your case. If you don't have a lawyer, you will present your case. There may be a lot of language and behaviour that you find strange, especially if you have never been to court before. This is normal. Stay calm and be respectful.

Expectations in Court

- Wear clean and neat clothing. No hats, no perfume or cologne, and no food.
- Be respectful to the judge even if you don't agree with what they say.
- If you don't understand what is happening, ask the judge.
- Let the judge know if you can't hear what someone says.
- Don't ask the other party's lawyer for advice. They are representing the other party. It is not their job to help you.

Tips for Speaking Well in Court

- Stand tall, speak into the microphone, and speak loudly. The microphone tapes what is said for the court record. The microphone doesn't make your voice louder.
- Speak slowly, briefly, and clearly. Don't try to use legal language.
- Speak to the judge, not the other party. The exception is if you are examining or cross-examining a witness.
- When speaking to the judge, say "Justice" and the judge's last name.

For example, "May I direct Justice Puri to paragraph 17 of the witness's affidavit?"

- Address the witnesses and your ex by their last names.

For example, "Mr. Doiron, you refused to make the full child support payment in May 2020, correct?"

- Don't interrupt. If you disagree with something the other party says, take a note. Respond when it is your turn to speak. There is an exception for raising objections. See page 54.

Tell court staff if there are any Emergency Protection Orders, other court orders, or peace bonds in place.



Tips for Witnesses

It is likely that you will be a witness in your family law matter. Here are some tips for being a good witness. You can review these tips before you testify in court. You can also share them with your witnesses before the hearing or trial.

- When you answer a question during examination or cross-examination, look at the judge.
- If an objection is called while you are speaking, stop talking and wait for instructions from the judge.
- Speak slowly, briefly, and clearly.
- Answer all the questions truthfully. If you don't understand a question, ask for clarification.

Witnesses can be cross-examined on affidavits or other documents (for example, exhibits). Make sure you and your witnesses review those documents before the court date.

Discovery

Before you go to court, you must share all the documents you have about the case with the other party. You must share documents even if they don't help your case. The other party must do the same. Everyone is supposed to know all the documents on both parties of the legal issue. There is an exception to this. A **privilege** is a rule of evidence that allows you to refuse to disclose certain documentation in the proceeding. You don't need to give the other party copies of documents you are "claiming privilege over". But, you still need to tell the other party that those documents exist.

If you are going to trial, you may have discovery. **Discovery** is sharing information between each side before a hearing or trial. Either party can ask the other party to attend discovery and share information. Other people may be asked to attend discovery as well (for example, a witness).

Documentary discovery is the exchange of an affidavit of documents before a hearing or trial. An **affidavit of documents** is an affidavit that lists the documents that are relevant to both parties of the case (including documents that you have lost). An affidavit of documents is not usually filed with the court. It is only served on the other party.

Oral discovery is when witnesses are questioned under oath, outside of court, before a trial. Oral discovery is recorded by a transcription service for a fee which is usually paid by the party asking the questions. The transcript of the discovery can be part of what you ask the judge to consider during your hearing or trial. A party may give different evidence at discovery than they give at a hearing or trial. This can be used to challenge their credibility. You may decide not to question the other party at discovery. If this is the case, tell the other party in advance.





Pre-Motion Conference and Pre-Trial Conference

A **pre-motion conference** is a meeting with the parties, their lawyers, and a judge before a hearing. A **pre-trial conference** is a meeting with the parties, their lawyers, and a judge before a trial.

The judge at your conference won't be the judge for your hearing or trial. The goal of these conferences is to try to resolve issues before a hearing or a trial. The conferences are an opportunity to discuss the issues with the judge. The judge will try to help you and the other party come to an agreement.

If some issues are still unresolved, the rest of the conference is used to organize the information for the hearing or trial. This includes deciding how long the hearing or trial will last, and who the witnesses are.



The conferences prioritize issues involving children, not other issues between parents (for example, property division).

Hearing

A **hearing** is a type of court proceeding that happens after your file a Notice of Application or Notice of Motion. In a hearing, the judge may hear arguments and evidence from both parties. Here is an outline of how hearings work.

1. Opening Statement

An **opening statement** is how you introduce the judge to your case. It gives the judge an overview of what your arguments are. Your statement should be short and clear. Tell the judge what order you are asking for and why. Summarize any interim orders and any issues that have been settled. An opening statement is not the time to give evidence. But, you can tell the court what you expect the evidence will be. You don't have to make an opening statement.

2. Presenting your Case

Most of the evidence is given to the court in advance through affidavits and documents. There usually isn't much oral evidence. Sometimes there is no oral evidence.

3. Cross-examination

Cross-examination is when you ask questions to the other party's witnesses. In a hearing, you cross-examine witnesses for the other party about the information in their affidavits. You can also ask a witness questions about something that happened after the affidavits were filed. Other than this, cross-examination in a hearing is the same as cross-examination in a trial. Review page 52 about cross-examination in a trial.

4. Closing Statement

A **closing statement** is the conclusion of your case. A closing statement is also called a summation. In your closing statement:

- Tell the judge the facts of the case.
- Summarize your evidence.
- Remind the judge of anything in other party's evidence that you challenged. (Don't accuse the other party or their witness of lying. Instead, remind the judge of why you don't agree, and give the information the judge needs.)
- State what you want the judge to decide and why you think that is the best decision.

You can't bring up new evidence in your closing statement. You can only talk about things that were already discussed. Both parties will have a turn to make their closing statement.



When you speak in court, make sure the judge can see and hear everything.

Trial

A **trial** is a court proceeding that happens if you and the other party can't resolve your issues by agreement or a hearing. A trial is usually longer than a hearing. Hearings and trials are similar in some ways and different in others. Here is an outline of a trial.

1. Opening Statement

The opening statement for a trial is like the opening statement for a hearing. Review page 47 about making an opening statement for a hearing.

2. Presenting your Case

The presentation of your case is different in a trial than in a hearing. In a trial, both parties call witnesses to speak to the judge as evidence (also called oral evidence).

Examination means asking your own witness questions. It is important to ask open-ended questions in examination.

- **DO:** Ask open-ended questions. An open-ended question lets the witness answer with lots of information, not simply “yes” or “no”.

For example, “How well prepared is my son at the beginning of the day when I drop him off at daycare?”

- **DON'T:** Ask leading questions. A leading question suggests what the answer should be. Leading questions are not allowed during direct examination.

For example, “My son is more prepared when I drop him off than when his mom does, right?”





It is a good idea to start examination by asking your witness questions that gives the judge context.

For example, if your witness works in your child’s daycare, you could start with, “What is your role at the daycare centre?”, and then, “What is your professional background and training?”.

Starting with questions like these helps give important background information and shows the judge why you chose this person to be a witness.

Your witnesses can only answer questions you ask them. Choose questions carefully. Ask questions clearly, and one at a time.

Make sure your questions are relevant. If your legal issue is about your house, the other parent’s new partner is not important.

You may testify for your own case. This means you will have to get on the witness stand. When you are testifying for your own case, you don’t have to use a question and answer style. Instead, simply state the first-hand information you want to share with the judge.

For example, “On June 15th, 2020, Jane Smith took my children out of the province without my consent. This does not follow our August 29th, 2019 parenting agreement that says we need consent from each other before taking our children out of province.”

Exhibits

If you want to show a document as evidence, you must present it to the court and ask that the court accept it as an exhibit.

Exhibits can be:

- Affidavits
- Financial statements
- Letters
- Photographs
- Receipts
- Reports

Unless the other party agrees that a document be an exhibit, exhibits are entered during testimony. You don't just get to give a document to the judge and have it become an exhibit. The other party gets to give an opinion about if it should be accepted or not. In the end, the judge decides.

Here are the usual steps entering an exhibit:

- a. First, the witness mentions the document. When the document is mentioned in testimony, tell the judge you want to “mark the document for identification.” Give a paper copy of the document to the witness. The witness must identify or explain what the document is.
- b. After the witness has identified the document, you need to “tender it for admission by the court”. This means that you ask the court to consider it as evidence.
- c. The court will ask the other party if they agree to the document becoming part of the evidence. If they say yes, it will be accepted. If they say no, the judge decides if they will accept the document as evidence or not.

If you are testifying, you must mention documents you want the judge to consider as exhibits and identify or explain them.

Going to Court

If the judge doesn't accept a document into evidence, you can't refer to it later in the trial. If you forget to present a document and have it entered as an exhibit, you can't refer to it later in the trial.

You must share the documents with the other party before the court date. You can't surprise the other party with a new document during a hearing or trial. To prepare for court, make a list of documents you want to have entered as exhibits. Note which witness each document is relevant to. This will help you remember which documents each witness should refer to. It is helpful to write down why each exhibit is relevant and what argument each will help you to prove. Bring four copies of every exhibit you present in court. One copy for you, one for the witness, one for the judge and one for the other party.

3. Cross-examination

Cross-examination is when you ask questions to the other party's witnesses. Your goal is to challenge the evidence in testimony presented by the other party. Your goal is to get the judge to disagree with what the witnesses say, or to find that they are not reliable.

Choose your questions carefully. Ask the other party's witnesses leading questions.

- **DO:** Ask leading questions that can be answered with "yes" or "no."

For example, "You would agree that I prepare healthy food for my child, right?"

- **DON'T:** Ask open-ended questions.

For example, "How would you describe my parenting?"

Before your court date, write a list of questions you want to ask the other party's witnesses. Write a list of issues that you think you will want to address. This helps you ask questions that are different from what you prepared, if necessary.

When the other party's witnesses are testifying, take good notes. Write down the issues you want to ask about later during cross-examination.

Cross-examination on inconsistency

If a witness for the other party says something in court that contradicts what they said at another time, you can tell the court that the witness is being inconsistent. Here is the usual process for doing this:

- a. Give the witness an opportunity to explain themselves.

For example, "Do you remember saying that you brought your daughter to dentist appointments? You said that in your affidavit from March 30, 2018."

- b. Review the question they were asked and the answer they gave.

For example, "I just asked you if you took your daughter to dentist appointments, and your answer was no."

- c. Ask them if their previous evidence was correct or if their evidence today is correct. Also ask them why they gave two different answers to the same question. They may or may not be able to explain. If they cannot explain, it may undermine their credibility.





Objections

An **objection** is a complaint that the other party is asking an inappropriate question, or a witness is giving inappropriate testimony.

You can raise an objection if you think a question the other party is asking is inappropriate, or if a witness is giving inappropriate testimony. When you object, you are asking the judge to decide if the testimony is allowed.

To raise an objection correctly, stand up and say, “Justice _____, I object to that question because _____”.

Here are some common reasons to object:

- **Relevance:** The question is not relevant to the case.
- **Leading:** The other party asks their own witness a leading question.
- **Compound question:** The “question” is multiple questions.
- **Repetition:** The other party questions a witness about the same thing over and over.
- **Mis-stating evidence:** The other party states earlier evidence incorrectly.
- **Unclear:** The other party or a witness is being unclear and it’s difficult to understand.
- **Hearsay:** The witness is not giving first-hand information. Hearsay is not allowed when a witness is testifying in court.
- **Expertise:** The witness is giving an opinion when they are not an expert.

It is best to raise an objection as soon as you notice that something is inappropriate. The judge makes the final decision about what is allowed.

If the other party raises an objection when you are speaking, stop, sit down, and wait for the judge to tell you what to do.

4. Closing Statement

A closing statement for a hearing is like a closing statement for a trial. Review page 48 about how to make a closing statement.

Resolutions

A legal issue can be resolved at any time during the legal proceeding.

Settlements

A **settlement** is a resolution agreed on by the parties of a legal issue. Settlements can happen before or after someone has started a court action.

A settlement you make before starting a court action is documented by a written agreement. This written agreement is generally considered a contract.



A settlement that is made after a court action is started can be settled by a court order called a consent order. A **consent order** is a court order that both parties agree to. It is signed by the judge and filed with the court. Sometimes, the parties can sign an agreement and file documents with the court to say they are not continuing the proceeding. In that case, the settlement is not put in the form of a court order.

A **settlement proposal** is one party's suggestion of how to resolve the legal issue. You or the other party can make a settlement proposal at any time. For example, when you are waiting to go into the courtroom, the other party may approach you and try to come to an agreement with you. Consider the proposal carefully. You can agree to the proposal, or not. The rule is that you can't mention a settlement proposal made by the other party at a hearing or trial. After the judge makes a decision, either side can mention the settlement proposal. If you rejected a reasonable offer, the judge may order you to pay an increased amount of costs. Costs are discussed on page 59.





Court Orders

A judge makes a decision after both parties have presented their case at the end of the hearing or trial. A decision can be spoken or written, and it includes the reasons why the judge made their decision. The judge may decide at the end of the hearing or trial. The judge may ask both parties to come back another day to hear the decision. Sometimes the decision is made in writing and mailed to the parties. Once the decision is made, it is formalized into a court order.

A **court order** is a formal, typed document of the judge's decision on a case. After a court order is prepared, it is signed by both parties and the judge. Then, the court issues the court order. A court order usually includes a decision but not the reasons for the decision. There are different types of court orders.

- A **consent order** is if the parties agree on what will happen.
- An **interim order** temporarily responds to a legal issue.

For example, a judge makes an interim order saying that the parents will share parenting time during legal proceedings. That decision could change when the legal proceedings are over.

Sometimes what starts as an interim order lasts longer than you expect. The parties might decide that the interim order works for both parties and that they do not want to continue with legal proceedings. An interim order could last for years.

- A **final order** is permanent. If circumstances change, you can apply to change a final order.

The court can also award costs. If the court **awards costs**, it means that a party must pay the other party's costs. Costs could include:

- Money you lost because you had to take time off work
- Copying and printing fees
- Filing fees
- Lawyers' fees

If one party is taking an unreasonable position, the court may order them to pay the other party's costs. Keep track of your costs and have a list of them to give the court.



Dropping an Issue

Sometimes, you, or the other party, may not continue with your legal proceeding. Maybe it doesn't seem worth the time and effort anymore. Or, your situation changes. For example, if you have a parenting issue, your children may become independent before a court decision is made. If you want to drop an issue, tell the other party as soon as possible. You may also need to file documents with the court to say that you are dropping the issue.

Appeals and Variation Applications

An **appeal** is asking a higher court to change court order. Appeals are difficult for a non-lawyer.

You can't appeal a decision because you don't like it. Appeals can only be made in certain situations. For example, you can make an appeal if you believe the judge applied the wrong law. An appeal is not a second chance to present your case. Except in rare situations, no new evidence is presented. The court of Appeal reviews the evidence from the trial or hearing.

If your situation has changed since you received a court order, you can file a Notice of Application (Form 14E) to vary an order. A **variation application** is an application made to the court to change something in a previous order or agreement registered with the court. To be successful, you must show a significant change in circumstances that happened after the order was made. For example, a significant increase or decrease in income, a disabling illness, or the birth of another child.

Usually a party must wait six months before making a variation application. There are some exceptions.

Glossary





Glossary

Affidavit: written evidence given by a witness.

Appeal: asking a higher court to change court order.

Case law: past written decisions made by judges.

Closing statement: the conclusion to your case in court.

Collaborative practice: when you negotiate a settlement your ex, collaborative practice lawyers, and other professionals. All of you must agree to keep the dispute out of court.

Commissioner for Taking Affidavits: someone who confirms that a witness swore or affirmed their evidence is true.

Conference memorandum sets out the legal issues you are asking the judge to consider at your trial or hearing.

Council desk: the desk where you sit during a trial or hearing.

Counterpleading: a pleading that brings another legal matter into a legal proceeding.

Court Forms: examples of what you send as a pleading for each step in a legal issue.

Court order: a formal, typed document that contains the judge's decision on a case.

Cross-examination: asking questions of the other party's witnesses.

Discovery: sharing information between each party before a hearing or trial.

Documentary discovery: the exchange of an affidavit of documents before a trial.

Evidence: information that shows something is true.

Examination: asking your witnesses questions to prompt spoken (oral) sharing of evidence.

Exhibit: a document or object that the judge admits as proof.

Filing: bringing a copy of completed documents to the courthouse.

Final order: a permanent decision made by the court.

Hearing: a type of court proceeding that happens after you file a Notice of Application or Notice of Motion.

Hearsay: The witness shares hearsay when it is not allowed.

Interim order: a temporary decision made by the court.

Legislation: law that is passed by a federal or provincial government.

Mediation: you, your ex, and a mediator sit down together to resolve disagreements.

Negotiation: talking to the other person and trying to come to an agreement.

Glossary

Objection: a complaint that the other party is asking an inappropriate question, or a witness is giving inappropriate testimony.

Opening statement: the introduction to your case in court.

Oral discovery: when witnesses are questioned under oath, outside of court, before a trial.

Originating process: the first step in a legal proceeding.

Parenting Arrangement Assessment: (previously called a home study) when a judge orders that a clinician provide neutral evidence about the parenting situation and best interests of the child.

Pleading: a document that asks the court to order the outcome you want.

Pre-motion conference: a meeting with the parties, their lawyers, and a judge before a hearing.

Pre-trial conference: a meeting with the parties, their lawyers, and a judge before a trial.

Precedent: a case like yours that was previously decided by a judge.

Privilege: a rule of evidence that allows you to refuse to disclose certain information in a proceeding.

Prothonotary: the chief legal officer of the court of Appeal and the Supreme court.

Rules of Court: the guide for legal process.

Self-represented litigant: someone who represents themselves instead of hiring a lawyer.

Serving: making sure the other party receives a copy of a legal document.

Settlement proposal: one party's suggestion of how to resolve the legal issue.

Settlement: a resolution agreed on by the parties of a legal issue.

Testifying: giving spoken evidence in court.

Testimony: spoken evidence given by a witness under oath in court.

Trial: a court proceeding that happens if you and the other party can't resolve your issues by agreement or a hearing.

Unbundling services: when a lawyer agrees to represent you for part of a legal process, without taking on your whole case.

Variation application: an application made to the court to change something in a previous order or agreement registered with the court.

Witness: someone who can share first-hand information about a case.



Resources



Support Services

Pro Bono Legal Advice Clinic for Self-Represented Litigants

Free legal advice for self-represented litigants (SRLs) in the areas of family law and civil law. SRLs can meet with a volunteer lawyer for a 45-minute consultation. The clinic is by appointment. Call the court Services Manager at **902-368-6005** or Community Legal Information at **1-800-240-9798** or **902-892-0853**. This Clinic is not run year-round. Call for more information.

Positive Parenting from Two Homes

1-877-203-8828 or 902-368-4333

Free education sessions are offered in various Island communities for parents separating or divorcing or parenting from two homes. Sessions help parents deal with concerns about children getting caught in the middle of parental conflict. If both parents participate, they will attend separate sessions. There is a program for children in some age groups to help them with their parents' separation or divorce.

Triple P Parenting

www.triplep-parenting.ca/pei

Triple P is a parenting program that provides ideas about healthy parenting approaches.

Resources

Child Support Services Office. This office provides services such as the Child Support Guidelines Office and the Recalculation Office.

Child Support Guidelines Officer: 902-368-6220. A Child Support Guidelines Officer can give you information about the amount of child support your child may be entitled to under the *Federal Child Support Guidelines*. The Officer can also assist you to apply for child support, or to change an existing child support order or agreement. Child Support Guidelines Officers can't give you legal advice.

Recalculation Officer: 902-368-4109. If you have a child support order or agreement that provides for yearly recalculation of child support, you may be able to register your order or agreement with the Recalculation Officer to get your child support recalculated annually. Only certain orders are eligible for recalculation. Contact the Recalculation Officer to see if you are eligible.

Maintenance Enforcement Program

902-894-0383 or 902-368-6010

This office collects and distributes child and spousal support and takes steps to enforce support orders and agreements when they are not paid. You must register your order or agreement with this service to use it.

PEI Family Legal Aid

Charlottetown: 902-368-6656

Summerside: 902-888-8066

This program may provide applicants living on a low income with free legal representation for some family law issues. There are criteria that you must meet to use this service.

Child-Focused Family Mediation

902-368-6928

Child-Focused Family Mediation is a free mediation service that helps parents make an agreement on parenting time and decision-making responsibility.

Mi'kmaq Family Resource Centre

902-892-0928

The Mi'kmaq Family Resource Centre offers programs for parents and children.

Mi'kmaq Confederacy of PEI (MCPEI)

Indigenous Justice Program

902-367-3681

This program works to create an environment that allows Indigenous people to self-administer justice by building a traditional justice system based on holistic community values.





More Resources

Community Legal Information offers the following publications:

- Adoption
- Becoming a Parent
- Family Law on PEI
- Grandparents Parenting on PEI
- Names
- Parenting and the Law
- A Parenting Plan for Parents on PEI
- Resolving Conflict Outside of court
- Spousal Support: What You Need to Know
- What do I Include in a Separation Agreement?

We also have publications about other legal topics. All publications are free and can be found at www.legalinfopei.ca or they can be ordered by calling CLI at **902-892-0853** or **1-800-240-9798**.



Community Legal Information is a registered charity that receives funding from Justice Canada, the PEI Department of Justice and Public Safety, the Law Foundation of PEI, and other sources. Community Legal Information provides Islanders with understandable and useful information about the law and the justice system in Prince Edward Island.

For more legal information, visit www.legalinfopei.ca, email info@legalinfopei.ca, or phone **902-892-0853** or **1-800-240-9798**. You can also find us on social media.

Donate to support our work at www.legalinfopei.ca/donate/.

Non-commercial reproduction of this document is encouraged.

Charitable registration number: 118870757RR0001

ISBN 978-1-897436-99-8

April 2021



Community Legal Information



@legalinfopei



**Community Legal
Information**
Empowerment Through Knowledge