

Instructions

Consent Order

Before you Begin:

- You must have a court action in the Court of Queen's Bench to use these forms. If you do not, talk to us about how to start that.
- If you are doing a Variation Order, you will need a copy of the old order that you want to change.
- The Consent Order form is used when you and the other party have agreed on the terms that you want in your order. Fill in the blank clauses have been included for custody, access, child support and spousal support. However, you can add other clauses to suit your agreement.

Warning!

- If you are including a reduction of arrears of support, and the recipient of support has ever been on Income Assistance, you may not be able to do a Consent Order. Talk to Maintenance Enforcement to see if there are any subrogated arrears. If there are, you make an application in court, and serve the Director of Maintenance Enforcement with your application.
- If you are wanting to change ongoing support and the recipient of support is on Income Assistance now, you may not be able to do a Consent Order. Make an application in court and serve the Director of Maintenance Enforcement.



Tips:

Write the clauses in complete sentences.

Wrong	Joint custody. Visit on weekends.
Right	The applicant and the respondent shall have joint custody of the children. The applicant shall have access to the children on weekends.

Write the clauses as if it is the judge talking, not as if you are talking.

Wrong	I will cover the kids with my dental plan.
Right	The applicant will provide dental insurance for the children through her employment.

If you are not sure how to write your Order, look at your old court orders, or talk to a lawyer.

You may have to re-type the Consent Order form to suit your agreement.

Fill in the Consent Order

- Your court file number will be the same as your other Queen's Bench court documents.
- Fill in the names of the parties, the same as on your other Queen's Bench court documents.
- Fill in the clauses in a way that shows your agreement.

Have the Consent Order signed and witnessed

- Each of you must sign the Order in front of a witness. You can use the same witness.
- The witness or witnesses must complete and sign the Affidavit of Execution before a Commissioner for Oaths.

Fill in the Ex Parte Form

- Fill in the complete names of the parties and the date that you will be bringing this to court.
- If your court file is in Edmonton, there are special instructions at the end of this document.

Have the Consent Order signed by a Judge:

- If your court file is in Edmonton, there are special instructions at the end of this document.
- Talk to the Queen's Bench clerks or Family Justice Services staff to find out when "Morning Chambers" is held in your court.
- Go to court for Morning Chambers. At the beginning of the morning, before starting the scheduled matters, the judge will ask "Any Ex Parte applications or consent orders?" At that point, you will see people going to the front of the courtroom and speaking to the judge about their applications and orders. Take your turn and go to the front.
- Tell the judge you have a consent order, and hand the Order and the Ex Parte Form to the clerk to give to the judge. Answer any questions the judge may have.
- The judge will hand the signed order back to the clerk who will give it to you.

File the Order

- Make two copies of the signed order.
- Bring the original and the two copies to the Queen's Bench clerk's counter. They will keep the original and give you one certified and one filed copy back. Give the filed copy to the other party.

**Tip:**

If your order included child or spousal support, send a copy to Maintenance Enforcement.

Director of Maintenance Enforcement
7th floor North, 10365 – 97 Street
Edmonton, Alberta, T5J 3W7

Or Fax: 780-401-7575

Special Instructions for Edmonton

In Edmonton, Consent Orders are usually done as “Desk Orders” rather than in open court. Also, you must fill in a Child Support Data Sheet if the order deals with child support.

Go to the Family Law Information Centre at the Law Courts and the staff there can give you further information about how to complete your Consent Order.

These instructions have been prepared for you by Family Justice Services / Family Law Information Centre. Contact us at:

Calgary

Family Justice Services
7th floor, Calgary Courts Centre
601 - 5 Street SW
Phone 403-297-6981

Edmonton

Family Law Information Centre
Main Floor, Law Courts
1A Sir Winston Churchill Square
97 Street & 102A Avenue
Phone 780-415-0404

Grande Prairie

Law Information Centre
Main Floor, Court House
10260 - 99 St.
Phone: 780-833-4234

Lethbridge

Family Justice Services
1st Floor, Court House
320 - 4 St. S
Lethbridge AB T1J 1Z8
Phone: 403-388-3102

Red Deer

Family Justice Services
Main Floor, Court House
4909 - 48 Ave
Phone: 403-755-1468

Medicine Hat

Family Justice Services
Court House
460 First Street SE
Medicine Hat, AB T1A 0A8
Phone 403-529-8716

Outside these centres, contact us toll free at 310-0000

COURT FILE NUMBER _____

COURT Court of Queen's Bench of Alberta

JUDICIAL CENTRE _____

APPLICANT _____

RESPONDENT _____

Clerk's Stamp

DOCUMENT

Consent Order

ADDRESS FOR SERVICE AND CONTACT INFORMATION OF PARTY FILING THIS DOCUMENT _____
Name

_____ *Full address*

() _____

Date on which Order was pronounced: _____

Location of Hearing: _____

Name of Judge who made this Order: _____

THE COURT HAS BEEN ADVISED OF THE FOLLOWING:

IT IS HEREBY ORDERED THAT:

____.

____.

Justice of the Court of Queen's Bench of Alberta

CONSENTED TO:

Signature of Applicant

Signature of Witness to Applicant

CONSENTED TO:

Signature of Respondent

Signature of Witness to Respondent

Affidavit of Execution

I, _____ of _____, Alberta
Name of Witness *City / Town*

MAKE OATH AND SAY:

1. I was personally present and did see _____
Name of Applicant
sign the attached document.

2. (Choose one)

I personally know the Applicant.

The Applicant showed me the following photo identification _____
Describe identification provided – e.g. drivers license, passport

The Applicant showed me the following identification that did not include a photo
Describe identification provided – e.g. health care card, birth certificate

3. The document was signed at _____, Alberta, and
City / Town
I am the witness.

Sworn (OR Affirmed) before me

on _____, 20 ____
at _____, Alberta.

Commissioner for Oaths in and for the
Province of Alberta, Justice of the Peace or
Notary Public



Signature of person swearing / affirming Affidavit

ID Verified _____

Affidavit of Execution

I, _____ of _____, Alberta
Name of Witness *City / Town*

MAKE OATH AND SAY:

4. I was personally present and did see _____
Name of Respondent
sign the attached document.

5. (Choose one)

I personally know the Respondent.

The Respondent showed me the following photo identification _____
Describe identification provided – e.g. drivers license, passport

The Respondent showed me the following identification that did not include a photo
Describe identification provided – e.g. health care card, birth certificate

6. The document was signed at _____, Alberta, and
City / Town
I am the witness.

Sworn (OR Affirmed) before me

on _____, 20 ____
at _____, Alberta.

Commissioner for Oaths in and for the
Province of Alberta, Justice of the Peace or
Notary Public



Signature of person swearing / affirming Affidavit

ID Verified _____

EX PARTE APPLICATION

1. Q.B. No. _____ Date: _____

2. Style of Cause _____

v.

3. Applying for: OR Order for:
Fiat for:

4. Name of Solicitor:

5. Name of Firm:

6. Applicant's submissions shall be made on reverse.

FOR CLERK'S USE

Signed: _____

Granted: _____

Comments:

Not Granted _____

Judge _____