

PN 2 TIPSHEET FOR PARTIES – FILING AN APPLICATION

(see paragraphs 5-9, 26, 50-51)

Implementation

Practice Note 2 comes into force on April 3, 2018.

Length of Application

Applications that are estimated to take 20 minutes or less may be heard in Regular Family Chambers. The Court generally will not hear applications for a change of custody, substantial changes to a parenting arrangement or retroactive child or spousal support for a period exceeding 6 months in Regular Family Chambers.

Applications that are estimated to take longer than 20 minutes must be heard in Special Family Chambers.

Before commencing a booking, please be aware that first filing deadline is 2 weeks following the booking date (also known as the “triggering date”); and that email addresses/other contact information for both parties is required to provide a confirmation of the booking.

Agreement of Parties – Hearing Date

Applicants must use best efforts to find a hearing date that is agreeable to all parties.

If the Applicant cannot reach the opposing party within a reasonable time or the opposing party is not co-operating, then the Applicant may select a hearing date and give the Respondent notice of that date.

Upon receiving note of the hearing date, the Respondent has one week to accept the selected hearing date or to seek leave to obtain a different hearing date.

- The Respondent must seek leave of a Justice in Regular Family Chambers: see paragraph 56.
- The Respondent need not file an application with affidavit to seek leave to obtain a different hearing date; rather, it is a type of “speak to” application.
- The Respondent must give the Applicant reasonable notice of his/her intention to seek leave.

Filing Deadlines for Special Family Chambers

Note: The Triggering Date is the date of scheduling/booking the Special Family Law Application.

Application with no Cross-application

Party	Document(s)	Deadline	Consequence for Failure to Comply
Applicant	Applicant’s application and affidavit/statement(s)	Two (2) weeks after the Triggering Date	Application will be struck: see paragraph 52.
Respondent	Respondent’s affidavit/statement(s)	Four (4) weeks after the Triggering Date	Cost consequences: see paragraph 53.
Applicant	Reply affidavit/statement(s)	Five (5) weeks after the Triggering Date	Cost consequences: see paragraph 53.
Third Parties (if any) (e.g. MEP, CFS)	Third Parties’ affidavit(s) (if any)	Five (5) weeks after the Triggering Date	Cost consequences: see paragraph 53.
Applicant, Respondent and Third Parties (if any)	Concise Letter One (1) copy is filed with the Court One (1) copy is served on the opposing party One (1) copy is provided to the assigned Justice two weeks prior to the hearing	Seven (7) weeks after the Triggering Date	Cost consequences: see paragraph 53.
Applicant and Respondent	Update affidavits/statements (if required)	Two (2) weeks before the Hearing Date	Cost consequences: see paragraph 53.

Application with a Cross-application

Party	Document(s)	Deadline	Consequence for Failure to Comply
Applicant	Applicant's application and affidavit/statement(s)	Two (2) weeks after the Triggering Date	Application will be struck: see paragraph 52.
Respondent	Respondent's cross-application and affidavit/statement(s)	Four (4) weeks after the Triggering Date	Cost consequences: see paragraph 53.
Applicant/Cross-Respondent	Applicant's reply/Cross-Respondent's affidavit/statement(s)	Six (6) weeks after the Triggering Date	Cost consequences: see paragraph 53.
Cross-Applicant	Cross-Applicant's reply affidavit/statement(s)	Seven (7) weeks after the Triggering Date	Cost consequences: see paragraph 53.
Third Parties (if any) (e.g. MEP, CFS)	Third Parties' affidavit(s) (if any)	Seven (7) weeks after the Triggering Date	Cost consequences: see paragraph 53.
Applicant, Respondent and Third Parties (if any)	Concise Letter One (1) copy is filed with the Court One (1) copy is served on the opposing party One (1) copy is provided to the assigned Justice two weeks prior to the hearing	Nine (9) weeks after the Triggering Date	Cost consequences: see paragraph 53.
Applicant and Respondent	Update affidavits/statements (if required)	Two (2) weeks before the Hearing Date	Cost consequences: see paragraph 53.

Affidavit Requirements (including Reply Affidavit)**Application with no Cross-application**

Party	Document	Page limits	Consequences for Failure to Comply
Applicant	One (1) Applicant's affidavit	8 pages	Cost consequences: see paragraph 32. Information may not be considered: see paragraph 35.
Respondent	One (1) Respondent's affidavit	8 pages	
Applicant	One (1) Reply affidavit	5 pages	
Applicant and Respondent	One (1) Update affidavit each (new relevant evidence only) One (1) Copy is provided to the assigned Justice two weeks prior to the hearing	3 pages	

Application with a Cross-application

Party	Document	Page limits	Consequences for Failure to Comply
Applicant	One (1) Applicant's affidavit	8 pages	Cost consequences: see paragraph 32. Information may not be considered: see paragraph 35.
Respondent/ Cross-Applicant	One (1) Respondent/Cross-Applicant's affidavit	8 pages	
Applicant/ Cross-Respondent	One (1) Applicant's Reply/Cross-Respondent's response affidavit	5 pages	
Respondent/ Cross-Applicant	One (1) Cross-Applicant's Reply affidavit	5 pages	
Applicant and Respondent	One (1) Update affidavit each (new relevant evidence only) One (1) Copy is provided to the assigned Justice two weeks prior to the hearing	3 pages	