

Desk Consent Order Process

Note: You cannot use this desk consent order process if your proposed consent order includes any time sensitive matters, if Children and Family Services is involved with the parties, if the order appoints a guardian who is not a biological parent, or if the matter deals with support and there are subrogated arrears owing to the government under a support order. For orders addressing this relief, one or both of the parties (or their lawyers) must appear in court to request a consent order.

Also, you cannot use this desk consent order process for consent divorce judgments. You must follow the usual process set out in Rule 12.50 of the Alberta Rules of Court.

Family Law Act

If the parties have agreed to a Consent Order for matters under the *Family Law Act*, the following must be submitted to the clerk's office:

- A completed **Request for Consent Order** form, accompanied with all required attachments referred to in the form.
- The proposed **Consent Order**, signed by both parties and with Affidavits of Execution attached (if the parties signing the order are self-represented).
- If a prior Claim under the *Family Law Act* has been filed between the parties (i.e., there is an existing FLA court file):
 - No filing fee is payable. The Request for Consent Order must be submitted for filing on the existing court file.
 - If there is a pending court appearance scheduled (Docket, Chambers, JDR, Trial etc.), you must indicate this in paragraph 5 of the Request for Consent Order and your consent order must indicate what the parties propose to happen to the pending court appearance.
 - If the parties have agreed to include relief not claimed in the initial Claim or Response under the *Family Law Act*, then the preamble of the proposed Consent Order must state that any relief granted in this Consent Order that was not specifically requested in the parties' Claim or Response is granted under rule 1.3(2) of the *Alberta Rules of Court*.
- If no prior Claim under the *Family Law Act* has been filed between the parties (i.e., there is no FLA court file):
 - The applicant or their lawyer must also file a **Claim** under the *Family Law Act*, and
 - Pay the \$100.00 filing fee (or submit an Application for Fee Waiver, if applicable).

Divorce Act (or other family law matters that can only be dealt with in the Court of King's Bench)

If the parties have agreed to a Consent Order for matters under the *Divorce Act*, *Family Property Act*, or other family law matters that can only be dealt with in the Court of King's Bench, the following must be submitted to the clerk's office of the Court of King's Bench:

- A completed **Request for Consent Order** form, accompanied with all required attachments referred to in the form.
- The proposed **Consent Order**, signed by both parties and with Affidavits of Execution attached (if the parties signing the order are self-represented).
- If a prior commencement document (i.e., a Statement of Claim or Originating Application) has been filed (i.e., there is an existing court file):
 - No filing fee is payable. The Request for Consent Order must be submitted for filing on the existing court file.
 - If there is a pending court appearance scheduled (Docket, Chambers, JDR, Trial etc.), you must indicate this in paragraph 5 of the Request for Consent Order and your consent order must indicate what the parties propose to happen to the pending court appearance.
 - If the parties have agreed to include relief not claimed in the parties' pleadings (commencement document or counterclaim), then the preamble of the proposed Consent Order must state that any relief granted in this Consent Order that was not specifically requested in the parties' filed pleadings is granted under rule 1.3(2) of the *Alberta Rules of Court*.
- If no prior commencement document has been filed (i.e., there is no court file open):
 - The applicant or their lawyer must also file the appropriate Statement of Claim, or Originating Application addressing the relief included in the Consent Order (unless the Consent Order is considered a one-time order not requiring further proceedings), and
 - Pay the required filing fee (or submit an Application for Fee Waiver, if applicable).