



Inside this Guide

1 Information before You Start

2 Starting a Family Case

- Application (General)
- Simple Application – Divorce only
- Joint Application

3 Answers

4 Financial Statements

5 Filing Documents

6 Serving Documents

7 Required Steps

- First Court Date
- Conferences

8 Motions

9 Trial

Ce guide est également disponible en français.

ISBN 978-1-4435-3510-6 (Print)

ISBN 978-1-4435-3511-3 (PDF)

A Guide to Procedures in Family Court

June 2010

This guide does not provide legal advice. It is recommended that all parties seek legal advice where possible.

PART 4: FINANCIAL STATEMENTS

Financial Statements

A financial statement is a court form where you set out your financial information for the court, including information about your income, expenses, property and debts. There are two different financial statements under the *Family Law Rules*, Form 13 and Form 13.1.

Financial statements must be signed and sworn or affirmed to be true, like an affidavit, and must be completed and served with your application or answer, where required.

Filing a Financial Statement

The *Family Law Rules* require you to file a financial statement where either you or the other party makes a claim for child or spousal support or for an order for division of property.

You do not have to file a financial statement if:

- Your case does not involve claims for support or property claims;
- You want the other person to pay child support in the table amount under the Child Support Guidelines; or
- You and the other party are filing a Motion to Change a support payment on consent and have agreed that financial statements do not need to be filed.

Form 13 and Form 13.1

Form 13: Financial Statement (Support Claims) should be completed if you are making or responding to a claim for child support or spousal support, or a claim to change child or spousal support, but no claim is made for a division of property or relating to the matrimonial home.

Form 13.1: Financial Statement (Property and Support Claims) should be used if you are making or responding to a claim for property, an equalization payment or relating to the matrimonial home. You would also use this form if you were also making a claim for child or spousal support.

Completing Financial Statements

You can obtain and fill in most of the court forms you will need online. You may also print the forms from the website and complete them by hand. The forms can be found on line at www.ontariocourtforms.on.ca. Read and follow the instructions on the forms carefully.

Forms are available at the family court office. If you handwrite the information, make sure it is clear so that the other party and the judge can read it. Court staff cannot fill in the forms for you.

Be sure to read the instructions on how to complete the financial statement found on page 1 of the statement carefully. It will tell you which schedules must be completed and attached to the statement.

You should also pay attention to the timing of the requests for information. For example, some parts of the form ask for current information, and other parts ask for information at a certain time (for example, your income for the past three years). It is important that the figures that you provide are accurate at the specified dates as these amounts will be used to determine your rights and obligations.

You should also double check your calculations in the form, since there are many sections that need to be added up into subtotals, and you will be required to show some of the figures on a monthly or yearly basis. The following tips may help you with these calculations:

- If you know the cost of an expense on a weekly basis, for example food, you multiply it by 4.3 to get the monthly figure;
- Monthly figures should be multiplied by 12 to get to the yearly figure; and
- In Part II, where you have an annual expense, you should divide it by twelve to show a monthly figure in the expense column.

Be sure to attach any documents that the form requires. For example, sections 3 and 4 of Part I of the statement requires you to attach proof of your year-to-date income, as well as proof of your income over the last three years. Where appropriate, the schedules require you to attach proof of special or extra-ordinary expenses for a child. If you do not include these attachments, you will not be able to file your Financial Statement with the court.

Once you have finished completing your Financial Statement, you must swear or affirm that the information in the statement is true and sign it in front of a person who is a commissioner for taking affidavits. There are commissioners for taking affidavits at the family court office.

Remember it is a criminal offence for a person to swear or affirm a false or misleading statement. It is the responsibility of the person completing the statement to make sure that the information contained in the financial statement is true.

Updating Your Financial Statement

You will have to update your financial statement at each new stage in your case if the last Financial Statement is more than 30 days old. You can do so by either:

- Preparing a new Financial Statement; or
- Preparing a Form 14: Affidavit that either confirms that the statement is still accurate or lists any minor changes that should be made.

You are also required to update your financial statement at any point in the case if there is a significant change in your circumstances that affects the information in the Financial Statement. For example, if you change jobs and have a significant change in the amount of your income, you should prepare a new Financial Statement.