



NEXT STEPS IN EXPLORING FAMILY JUSTICE IN SASKATCHEWAN

The Eighth Annual Dean's Forum on Access to
Justice and Dispute Resolution

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Executive Summary

For the 8th meeting of the Dean's Forum on Dispute Resolution and Access to Justice (the "Dean's Forum"), we were invited to revisit the topic of family justice that was discussed at the 4th meeting of the Dean's Forum in 2016. Since 2016, this topic has seen an abundance of activity and innovations emerging in the family justice sector in Saskatchewan. This year, we focused on communication strategies and how to make the family law court forms more understandable. This, in turn, informs the user of the court process. We specifically focused on the Financial Statement and Property Statement forms. The forms pose a barrier for self-represented litigants ("SRLs") who are unable to complete the forms without assistance and who cannot access legal advice. The forms are also problematic for practitioners providing pro bono legal advice and clients in general.

The objective of our policy discussion paper is to capture the user's perspective and identify ways that will help make court forms more accessible. To do so, our research methodology consisted of researching existing innovations in Saskatchewan and Canada-wide. This analysis identified what has been done and considered what worked and what did not work for these jurisdictions. We then consulted with stakeholders within the legal community and conducted focus groups with students to "user test" the Financial Statement and Property Statement forms.

The result of the consultations was an abundance of information and perspectives that can help to inform family justice reform in Saskatchewan, and specifically, make the Financial Statement and Property Statement forms more accessible.

Legal consultees offered insight into what challenges their clients face, "who" their client was, and their view on the essential and non-essential components of the forms. We also received advice on how to best create court forms that all users can easily comprehend and complete.

Focus groups, consisting of law and non-law students, captured the user's perspective through the feedback they provided during and after completing the Financial Statement and Property Statement forms. Law students and non-law students provided insightful observations as to the confusion that court forms can present. The non-law students provided invaluable feedback since they identified details that a legally-trained eye could potentially overlook. Both groups provided us with information that could be applied to create more user-friendly court forms.

We hope that the findings in our policy discussion paper can be applied to simplify the existing Financial Statement and Property Statement forms, and court forms in general. The findings in this paper can act as points of departure for consultees in Saskatchewan and beyond to implement user-friendly court forms and processes. Ultimately, we hope that SRLs benefit from the findings in this paper in an impactful way when they come into contact with the family justice system.

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Introduction

In furthering the goal of access to justice in family law, court forms are continually identified as a hurdle to those using legal processes. The rise of self-represented litigants (“SRL’s”) in family proceedings has called attention to the complexity of our forms. This calls for a solution. In Saskatchewan, the current Financial Statement and the Property Statement have been identified as particularly difficult to navigate for the average SRL.

Court procedure as a barrier to access to justice has been identified in the academic literature and previous Dean’s Forums. The foundational *Access to Civil and Family Justice: A Roadmap for Change* by the Action Committee on Access to Justice in Civil and Family Law Matters (the “Cromwell Report”) and the Canadian Bar Association’s *Reaching Equal Justice Report* both identified ongoing issues in family law and the needs of the self-represented user. The *Dean’s Forum meeting in 2016* recognized ways to expedite Queen’s Bench Rules related to family law. This paper builds on this earlier work.

Current innovations across Canada guided our discussion within this paper. Within Saskatchewan, these include the Public Legal Education Association (“PLEA”), Pro Bono Law Saskatchewan (“PBLs”), and the Provincial Family Law Information Centre that have been working together to address gaps in the current justice system. Beyond Saskatchewan, we looked at innovations in Alberta, Nova Scotia, and Manitoba. These innovations informed our direction in developing this policy paper and acted as guidelines for future developments in the area of family court forms. Our work will

complement the extensive work that these organizations have already undertaken by focusing on the Financial and Property court forms.

These court forms are not designed for non-lawyers based on the complex language and length of the forms. **Innovations do exist that provide for assistance with court forms and some legal processes. These innovations include online guided court forms offered by PLEA, free legal advice offered by PBLs, free legal information sessions at some Saskatchewan public libraries, and assistance through the Family Law Information Centre.** But often, the amount of assistance that can be provided is limited by time and resources. To address this issue, we propose that court forms be modified to be as user-friendly as possible.

Our policy discussion paper will lay the groundwork for the discussion we wish to facilitate at the 8th meeting of the Dean's Forum. **The objective of our policy paper is to draw on our research and consultations to inform a user-focused perspective and identify principles of how court forms can be made more user-friendly.** The "user" includes both the SRL and the lawyer. Court forms need to be simplified so members of the general public can complete them and understand them. The lawyer assisting their client or providing pro bono assistance to a SRL will also benefit from the simplification of family court forms. **Our goal is that the discussion in this paper will result in a way forward for all users of the family court forms, lawyers and SRLs alike.**

First, we will examine the current research and innovations in Saskatchewan and beyond to demonstrate how our work can complement these innovations to further access to justice in the family law sphere. Next, we will identify the user of family court forms by examining the literacy level required to complete court forms, the

literacy levels in Saskatchewan, and statistics demonstrating the number of SRLs in family law proceedings. The fourth section of our policy discussion paper highlights the opportunities for reform identified with the current Saskatchewan Financial Statement and Property Statement during consultations with justice sector consultees and through focus groups conducted with both law students and non-law students. Finally, we propose that new forms can and should be created.

Foundational Research

Several touchstone reports provided helpful guidance for us, and in turn, for Dean's Forum participants to consider in exploring next steps for family justice innovation in Saskatchewan. First, the **Cromwell Report** provided a specific sub-section on court processes and procedures, and advocates for these to be more accessible and user-friendly.¹ Second, **the Canadian Bar Association ("CBA")** found that users were often unsure where to go for help or which forms to use.² They also found that people are not directed to the right place and often have no one to guide them.³ We will use this report to frame our idea of who the typical user is and identify potential "pain points" in the current form-submission system.

We also drew from the **2016 Dean's Forum** that addressed Access to Justice in the Saskatchewan Court of Queen's Bench. Of the initiatives proposed by the students,

¹ Canada, Action Committee on Access to Justice in Civil and Family Matters, *Access to Civil & Family Justice: A Roadmap for Change*, (Ottawa: 2013) at 7.

² The Canadian Bar Association, "Reaching Equal Justice: An Invitation to Envision and Act" (2013) at 22, online (pdf): <www.cba.org/CBAMediaLibrary/cba_na/images/Equal%20Justice%20-%20Microsite/PDFs/EqualJusticeFinalReport-eng.pdf>.

³ *Ibid.*

the suggestion to expedite the Queen's Bench Rules is of particular interest to us. These simpler and expedited rules would be the "norm" for users of the system. There would be an option to "opt-out" of these expedited rules if there were justification for using traditional court processes.⁴ Other proposals by the students included:

- 1) Implementing a triage system that would assess disputes at the outset and decide whether litigation or alternative dispute resolution is appropriate;
- 2) Increasing the use of judicial case management, in which one judge is assigned to partake in the entirety of one case from its beginning to its resolution;
- 3) Reforming the process of mediation to make it more meaningful by removing the mandatory nature or by implementing the mediation later in the court process;
- 4) Facilitating early settlement of disputes by increasing judicial dispute resolutions prior to pre-trial conferences; and
- 5) Enhancing the role of legally trained but non-judicial court workers.⁵

As will be discussed below, the consideration to expedite the Queen's Bench Rules is a theme that we encountered when consulting professionals in the legal community. The 2016 Dean's Forum policy paper was excellent groundwork for our research.

⁴ Julia Quigley, Graham Sharp & Janelle Souter, "Action to Justice: Addressing Access to Justice in the Saskatchewan Court of Queen's Bench" (2016) at 8, online (pdf): *Dean's Forum on Dispute Resolution and Access to Justice* <aw.usask.ca/documents/research/deans-forum/13_SuperiorCourtandCourtProcesses_PolicyDiscussionPaper_2016DeansForum.pdf>.

⁵ *Ibid* at 3.

Discussion

I: Related Family Justice Innovations in Saskatchewan and Canada

Innovations in Saskatchewan

This section identifies and analyzes the strengths and limitations of existing family justice innovations in Saskatchewan. It also situates our specific focus on the forms in relation to existing innovations.

| Organization | What Program they Offer | Strengths of the Program | Limitations of the Program |
|---|---|---|--|
| Public Legal Education Association (PLEA) | Family Guided Pathway Navigation System <ul style="list-style-type: none">• User creates account.• User answers a series of questions in order to determine what that user needs.• Form wizard will then direct them to continuous stream of questions that generates the completed forms. | <ol style="list-style-type: none">1. Guides the user to exactly the forms they need to fill out based on their situation.2. Tells the user everything they need to complete the form before they start the form.3. Allows you to check your progress at any time.4. Roll-over “more information” buttons which pop up with more information when needed.5. Helpful links to other resources, e.g. location of | <ol style="list-style-type: none">1. Instructions and explanations are still lengthy.2. Several places ask for a choice of date and time, while not clear how this works.3. Too many instructions on the main screen.⁶4. No explanation of legal terms, for example “affidavit.”5. Some repetition of questions when it comes to drafting variation orders.6. There is an assumption of a base understanding of child support table amounts. |

⁶ A lot of these instructions could be incorporated in a pop-up feature, or potentially “more information” boxes.

| | | | |
|------|---|--|---|
| | | <p><i>the Queen's Bench Court House and Provincial Court house.</i></p> <p>6. <i>Completed Forms download as an entire PDF package, with three copies of the forms and detailed next-steps instructions.</i></p> <p>7. <i>Email support is provided for users experiencing difficulty with the information</i></p> | <p>*It should be noted that the Guided Pathway is intended to work with the FamLi website below. Therefore, certain limitations are filled when used in conjunction with the legal information available on the main FamLi website. Users are encouraged to go to the main website should they need more information, and users on the general website are encouraged to create a free account to access the interactive parts of the website.</p> |
| PLEA | <p>FamLi Information Website</p> <ul style="list-style-type: none"> <i>Information on separation & divorce, custody & access, child & spousal support, home & property, safety, and resolving disputes.</i> | <p>1. <i>Plain language and easy to understand</i></p> <p>2. <i>Frequently asked questions under every section.</i></p> <p>3. <i>Provides fantastic plain-language resources for the public.</i></p> <p>4. <i>Email support is provided for users experiencing difficulty with the information</i></p> | <p>1. <i>Strictly public information, no form of interactive experience or easy way to tailor the information directly to the user's case.</i></p> <p>2. <i>No help for the financial and property forms.</i></p> |

| | | | |
|---|--|--|--|
| Pro Bono Law Saskatchewan (PBLs) | Clinic Program <ul style="list-style-type: none"> • Series of free legal clinics that are held throughout the province. • Lawyers volunteer to provide free summary legal advice in all areas of the law. | 1. The lawyers can provide ongoing legal advice and help clients to prepare for court. | 1. Lawyers do not represent clients in court. |
| PBLs | Panel Program <ul style="list-style-type: none"> • The client can be referred to a lawyer on the panel program for further assistance after receiving an appointment at one of the free legal clinics. | 1. Provides Pro Bono legal services and representation. | 1. Does not provide full representation for family law matters. |
| PBLs | Solicitor Program <ul style="list-style-type: none"> • A roster of lawyers who provide various legal services to charitable and other non-profit community organizations | 1. Lawyers provide legal advice and assistance to community organizations in all areas of non-profit law | 1. This program does not include family law. |
| Provincial Family Law Information Centre | Drop-In Sessions <ul style="list-style-type: none"> • In-person, drop-in sessions which enable people to meet face-to-face with either a volunteer or law student to obtain legal information and assistance. These | 1. Users frequently attend to ask questions about various court forms and court processes. | 1. Does not offer comprehensive legal advice, only legal information. 2. Does not provide representation. |

| | | | |
|---|--|---|---|
| | <i>sessions take place in different cities in Saskatchewan.</i> | | |
| Provincial Family Law Information Centre | Self-Help Kits <ul style="list-style-type: none"> • Packages of court forms and instructions that have been prepared by the Family Law Information Centre. • Are intended for SRL to represent themselves in court. | <ol style="list-style-type: none"> 1. Covers several different types of family law proceedings, applications, and agreements 2. Provide plain-language explanations for difficult legal language and concepts 3. Dedicates and original to each individual form which makes the information accurate and specialized | <ol style="list-style-type: none"> 1. Currently, no kits to help with the financial and property statements (our work will attempt to fill this gap) |
| Provincial Family Law Centre | Sample Clauses for Court Documents | <ol style="list-style-type: none"> 1. Includes sample clauses for support, property division, and various procedural and enforcement orders 2. Allows the public to find clauses that are relevant to whatever document they're drafting and then adapt them to their situation | <ol style="list-style-type: none"> 1. Do not include the Financial or Property forms |

| | | | |
|--------------------------------|----------------------------------|---|--|
| Legal Aid | Legal Representation and Website | <ol style="list-style-type: none"> 1. Representation for family law matters for those that meet the income requirement. 2. Website includes useful “community resources” section pointing users to other resources. | <ol style="list-style-type: none"> 1. Does not handle property division and, therefore, has limited interaction with Financial and Property statements. |
| Court of Queen’s Bench Website | | <ol style="list-style-type: none"> 1. Contains useful basic resources. 2. Resources include videos, a list of definitions, and an opportunity to learn more about the courts. | <ol style="list-style-type: none"> 1. There are no specific resources to help with filling in court forms. |

How Our Work Complements and Fills the Limitations of Existing Innovations in Saskatchewan

Our work will complement the extensive work that PLEA has already undertaken by addressing the challenges with the Financial and Property Statements. PLEA’s form wizard is a successful innovation. However, it does not deal with the Financial Statement form, nor the Property Statement form. *Our goal is to identify principles that could be used to redesign these forms, which would make them user-friendly enough that the user does not need a navigated pathway to fill them out.* Our goal is to make them simple enough that any organization will not need to design any other resources in response to our work.

Our work also intends to complement the services that PBLS offers by making their volunteer lawyers’ jobs easier. New, less complicated Financial and Property Statement forms could reduce the strain on the resources of PBLS’ clinic program. Since

PBLS' panel and solicitor programs do not deal with family law, we will only be targeting the clinic program. We hope that our work in creating less complicated forms will lead to fewer people using the clinic for help filling out forms. Our work will, therefore, allow this program to reallocate their limited resources more effectively.

Finally, our work will help to alleviate some of the strain on the Family Law Information Centre Drop-in Clinics in much the same way as PBLS.

Innovations Outside of Saskatchewan

Alberta

In an effort to alleviate stress on SRLs, Alberta currently employs the Government of Alberta Court Forms Coordinator. If we are successful in our aim of simplifying the Financial Statement and Property Statement forms, then a position such as a Court Forms Coordinator may not be as necessary. However, in Alberta, this program helps the average litigant navigate forms that are similar in complexity to the Saskatchewan forms.⁷ This service is available in person at both courthouses and government buildings.⁸ The Court Form Coordinator helps an SRL: 1) locate the court forms; 2) understand how to use the court forms; and 3) fill out the court forms. Litigants can use this service for a variety of legal issues both in and outside of the family justice system.⁹

⁷ Alberta, "Support in preparing court forms" (2020), online: <www.alberta.ca/support-preparing-court-forms.aspx>.

⁸ *Ibid.*

⁹ *Ibid.*

Our suggested improvements to the forms may make a Court Forms Coordinator unnecessary. However, the position is nonetheless an effective tool for improving the current system marginally without a complete overhaul of court processes.

Nova Scotia

The Nova Scotia Financial Form is short, flows well, and includes all the basic information that a judge or opposing party needs, with an option to attach additional documentation. The Nova Scotia form is significantly easier to understand than the forms in Saskatchewan because it includes short and concise instructions and a minimum amount of information without overwhelming applicants with various sections that are not applicable to them.

We chose to look into innovations from Nova Scotia because consulted stakeholders (“consultees”) had told us that this maritime province is particularly revolutionary in the area of family law. Saskatchewan’s forms are unnecessarily long and complicated. They include repeated references to legislation and lack simple language instructions. In contrast, the Nova Scotia Financial Form is short, simple, and only requires information that is necessarily needed by the Court or opposing party.

When parties are required to provide financial information, this usually means that they will have to file:

1. A sworn or affirmed Statement of Income;
2. Their last 3 years of income tax returns;
3. Their last 3 years of notices of assessment or reassessment from the Canada Revenue Agency; and

4. Two recent paystubs or other official documents showing their current year-to-date income. This may include benefits statements from the Department of Community Services, Employment Insurance, or Workers' Compensation. If the user is self-employed, they will also have to provide business statements as part of their financial disclosure.¹⁰

All family law forms on the Nova Scotia Family Law website are offered in two formats: a word document and an interactive PDF.¹¹ The website provides easy to understand instructions for how to fill them out. The Government of Nova Scotia provides no such instructions for their interactive PDF. The Nova Scotia Family Law website is also very clear regarding what the user can delete from each form if it is not applicable to them.¹² The website prompts the user to choose an appropriate option where they see italics.¹³ For the interactive PDF documents, there is a bubble-help text that will guide the user through the forms and let them know what information is required.¹⁴ To find the bubble-text, the user must hover their computer mouse over any coloured lines or check-boxes, and the information applicable to that line or check-box pops up in a small square.¹⁵

¹⁰ Family Law Nova Scotia, "A Guide to Filing for Divorce in Nova Scotia: Financial Disclosure" (2 August 2016), online: <www.nsfamilylaw.ca/guide-filing-divorce-nova-scotia/financial-disclosure>.

¹¹ Please note that we were unable to get the interactive PDF to work on the website, so we were unable to assess its accessibility.

¹² Family Law Nova Scotia, "A Guide to Filing for Divorce in Nova Scotia: Preparing the Court Forms" (2 August 2016), online: <www.nsfamilylaw.ca/guide-filing-divorce-nova-scotia/preparing-court-forms>.

¹³ *Ibid.*







¹⁴ *Ibid.*


¹⁵ *Ibid.*

The Statement of Income itself is only four pages, compared to the current Saskatchewan's Financial Statement, which spans twenty-one pages. The Nova Scotia Financial Form is attached to this document as Appendix II.

The Nova Scotia Family Law website provides various pages on the dimensions of family law with excellent resources. For example, the website offers a page of family law court form checklists for issues such as parenting arrangements, child support, and spousal support. An example is included here:

If you are filing your application to address parenting arrangements in Supreme Court (Family Division) in Halifax, Sydney, or Port Hawkesbury, you will likely need to file:

- **Notice of Application** [Form 59.07](#)  OR **Notice of Variation Application** [Form 59.12](#)  if you are applying to vary (change) a previous final court order dealing with custody/access
- **Statement of contact information and circumstances** [Form FD1](#) 
- **Parenting Statement** [Form FD2A](#)  (if you are a parent or guardian, or are addressing custody of a child or children)
- **Statement of Contact Time or Interaction** [Form FD2B](#)  (if you are not a parent or guardian, or are addressing contact time or interaction with a child or children)
- **Affidavit** [Form 39.08](#)  if you are applying to change a previous order OR you are filing your application on an interim, urgent or emergency basis
 - for information on what your affidavit should look like, [click here](#)
- **Personal Representation Form** if you do not have a lawyer

NOTE: if you are filing an original application on an interim, urgent or emergency basis, you may require additional documents, like a **Notice of Motion for Interim Relief (Family Proceeding)** [Form FD13](#) . Please speak with court staff or a lawyer for more information.

The Nova Scotia forms are short, to the point, and relatively easy to read. While there is potential to simplify the readability even further, that runs the risk of making the forms too simple and therefore not as useful to the courts. Overall, Nova Scotia provides an excellent example of a simplified form completion and submission process, which can potentially be a model for Saskatchewan.

Manitoba

We looked into Manitoba's family law forms after feedback from consultees, which again indicated that innovations in the province are worth consideration. Manitoba is also the most comparable to Saskatchewan because of its size and population demographics. **Reaching eight pages in length, Manitoba's Financial Statement falls nicely between the current lengthy Saskatchewan form and the concise Nova Scotia form.** Manitoba's Financial Statement, attached in Appendix III, is logical and straight forward while still providing the opportunity to provide details to the Court where necessary.

The form **contains instructions that are easy to read and digest.** It is also **long enough to cover all the information** that the Court needs, **yet still short enough to prevent the user from feeling overwhelmed.** This contrasts with the stress an SRL may feel when filling out the current Saskatchewan forms. Additionally, the form makes it clear which sections a user needs to file depending on what they are claiming. However, there are still references to the legislation that would need to be explained or simplified. It also contains instructions that are potentially difficult to understand.

II: Consideration of who uses family court forms in Saskatchewan

There are two key considerations to take into account in the current context of family justice reform - literacy levels and the prevalence of the SRLs within Saskatchewan's family justice system.

Literacy Levels and Court Forms

To demonstrate the difficulties that individuals face while completing the Financial Statement and Property Statement forms, we believe it is important to understand the barriers that prevent individuals from understanding the forms. One such barrier is the literacy level required to complete court forms.

Literacy Levels in Saskatchewan

Court forms can pose a frustrating literacy challenge for the general public. According to Anna Lund, “low literacy levels, lack of proficiency in English and unfamiliarity with technical legal terms can hamper SRLs from making use of court forms and other information resources.”¹⁶ To adequately use information resources, the users “must be able to read it, understand it and apply it to their own situation...[e]ach of these tasks requires an increasing level of literacy.”¹⁷ Unfortunately, based on literacy levels alone, the complexity of the current Financial Statement and Property Statement forms makes it difficult for much of Saskatchewan’s population to access them. Examining how literacy levels are measured along with the literacy levels in Saskatchewan will demonstrate the gap that exists in adequately accessing the current Financial Statement and Property Statement forms for a significant portion of Saskatchewan’s population.

Literacy is defined by the Programme for International Assessment of Adult Competencies (the “PIAAC”) as “understanding, evaluating, using, and engaging with

¹⁶ Anna Lund, “Litigating on One’s Doorstep: Access to Justice and the Question of Venue” (2019) 56:4 Alta L Rev 1039, at 1074.

¹⁷ Patricia Hughes, “Advancing Access to Justice Through Generic Solutions: The Risk of Perpetuating Exclusion” (2013) 31:1 Windsor YB Access Just 1 at 13.

written texts to participate in society, to achieve one's goals, and to develop one's knowledge and potential.”¹⁸ It involves a variety of skills that include decoding words and sentences for comprehension, interpreting texts, and evaluating complexities in text.¹⁹ Literacy is measured according to a proficiency scale established by the PIAAC. The scale has five levels of proficiency, level one being the lowest level of literacy proficiency and level five being the highest level of literacy proficiency.²⁰

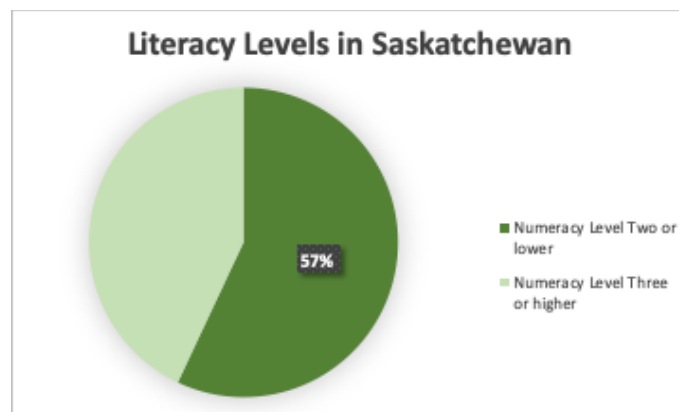


Figure 1. Literacy rates in Saskatchewan. 57 per cent of Saskatchewan residents score in the two lowest numeracy levels.²¹

READ Saskatoon's Annual Report for 2018-2019 reports that **one-third of Saskatchewan adults struggle with literacy and fifty-seven percent of Saskatchewan adults currently scoring in the two lowest numeracy skills levels.**²² With low literacy

¹⁸ "Frequently Asked Questions" online: *PIAAC in Canada Programme for International Assessment of Adult Competencies* <www.piaac.ca/590/FAQ.html#7>.

¹⁹ OECD "Skills Outlook 2013: First results from the Survey of Adult Skills" (2013) at 59, online (pdf): <[www.oecd.org/skills/piaac/Skills%20volume%201%20\(eng\)--full%20v12--eBook%20\(04%2011%202013\).pdf](http://www.oecd.org/skills/piaac/Skills%20volume%201%20(eng)--full%20v12--eBook%20(04%2011%202013).pdf)>.

²⁰ Statistics Canada, *Skills in Canada: First Results from the Programme for International Assessment of Adult Competencies*, (Ottawa, 2013) at 20, online (pdf): <www.cmec.ca/Publications/Lists/Publications/Attachments/315/Canadian-PIAAC-Report.EN.pdf>.

²¹ Read Saskatoon, "2018-2019 Annual Report" (2019) at 1-2, online (pdf): <www.readsaskatoon.com/ckfinder/userfiles/files/READYXE_2018-19-Annual-Report-FINAL-print.pdf>.

²² *Ibid.*

comes other factors. Adults with low numeracy skills are 2.5 times more likely to be on social assistance than those who score higher and have lower rates of employment.²³ Literacy affects opportunities, as READ Saskatoon states: **"Literacy is linked to economic and personal success: the jobs people find, the salaries they make, upgrade opportunities they enjoy, and their ability to participate in their community are all directly related to their literacy skills."**²⁴ With literacy affecting economic and personal success, it is difficult for those that fall into the lower literacy levels to succeed when facing court forms that fall outside their range of literacy skills.

Low literacy levels make it difficult for SRLs to read and effectively complete court forms. Those with higher levels of literacy and comprehension can effectively use "self-help services" (such as informational resources), leaving those who face literacy barriers without effective tools they can use to navigate their legal situation.²⁵ The result is individuals being unable to complete or provide the required forms.²⁶ **For court forms to be accessible to the majority of the population without the assistance of lawyers, it was determined by Amy Salyzyn et al., that court forms should be at a level two or lower level of proficiency.**²⁷

Court forms that are not understandable to a significant portion of the population based on literacy levels leaving most SRLs at a disadvantage when resolving family legal issues without the assistance of a lawyer. The exact literacy level of the Financial

²³ *Ibid.*

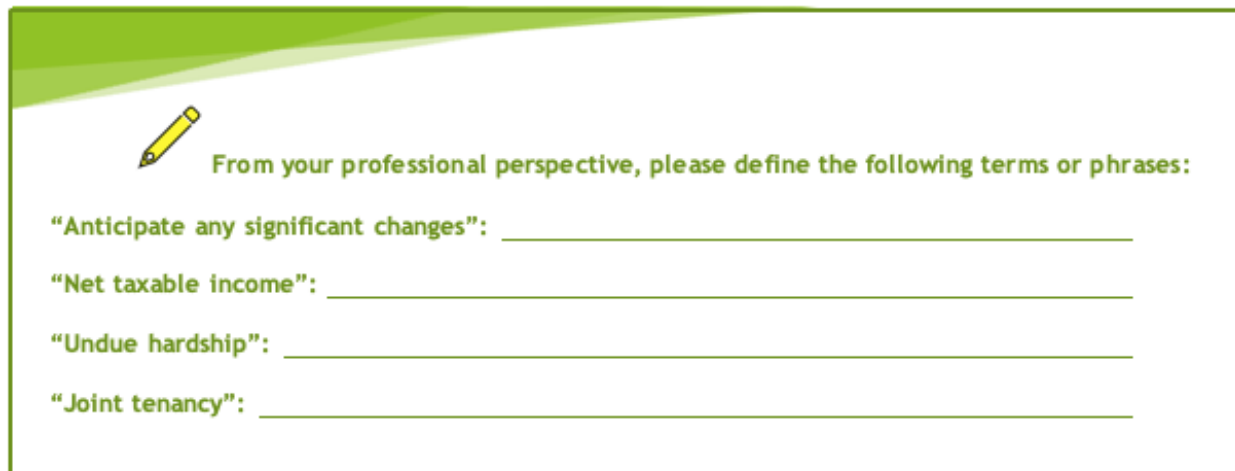
²⁴ *Ibid* [emphasis added].


²⁵ Canadian Bar Association, "Equal Justice, balancing the scales" (2013) at 46, online (pdf): <www.cba.org/CBAMediaLibrary/cba_na/images/Equal%20Justice%20-%20Microsite/PDFs/EqualJusticeFinalReport-eng.pdf>.

²⁶ Hughes *supra* note 17.

²⁷ Amy Salyzyn et al., "What Makes Court Forms Complex? Studying Empirical Support for a Functional Literacy Approach" (2019) 91 JL & Equality 31, at 37.

Statement and Property Statement forms is not known; however, it is fair to assume based on the legalese in the forms alone that the forms are well-above a level two literacy level. This leaves at least fifty-seven per cent of Saskatchewan's population at a disadvantage should they wish to (or have to) resolve their family legal issues without the assistance of a lawyer.



 From your professional perspective, please define the following terms or phrases:

"Anticipate any significant changes": _____

"Net taxable income": _____

"Undue hardship": _____

"Joint tenancy": _____

Rates of Self-Represented Litigants in Family Law Proceedings

In attempting to identify and know the user, we thought it is important to differentiate between those litigants that self-represent and those that have representation. To do this, we have targeted two users with our new forms: the SRLs and the lawyers.

Unfortunately, statistics on the number of SRLs are not available for Saskatchewan. We, therefore, took our information from Dr. Julie Macfarlane's "National Self-Represented Litigants Project: Identifying and Meeting the Needs of

Self-Represented Litigants.²⁸ This study considers SRLs in Ontario, British Columbia, and Alberta. By the end of the study, British Columbia and Alberta had provided the majority of SRL's respondents in each of these provinces, with a smaller but significant group from "other" provincial locations.



Figure 2. Data drawn from Dr. Julie Macfarlane's Self-Represented Litigants Project.²⁹

Dr. Macfarlane concluded that "the fact that 60 per cent of our sample was appearing in family courts is most likely a reflection of the higher numbers of SRL's in family court compared to other civil courts (above small claims) throughout Canada."³⁰

²⁸ Dr. Julie Macfarlane, "The National Self-Represented Litigants Projects: Identifying and Meeting the Needs of Self-Represented Litigants" (May 2013), online (pdf): Treasurer's Advisory Group on Access to Justice Working Group Report <https://lawsocietyontario.azureedge.net/media/lso/media/legacy/pdf/s/self-represented_project.pdf>.

²⁹ *Ibid.* Dr. Macfarlane concluded that 60 per cent of the sample were in various family courts, either provincial or divorce court (*ibid* at 26). Of this group, a clear majority in each province were filed in the divorce court and a smaller group in provincial family court (*ibid*).

³⁰ *Ibid.*

Specifically, we were interested in looking at statistics for Alberta. Statistics from Alberta are the most comparable to Saskatchewan. In Calgary, 39 per cent of litigants in divorce hearings and 46 per cent of litigants in family proceedings were representing themselves on the day of the hearing, compared with 18 per cent of general civil litigants.³¹

Additionally, in Alberta in 2011, 40 per cent of hearings in provincial court on family matters included one or more SRL's. In the Queen's Bench, the figure was 32 per cent.³² These numbers could be even higher since these numbers only reflect whether or not an individual is represented at the time of a hearing, and not whether they have continuous representation for their entire case.³³ Dr. MacFarlane released updated results in 2015-2016. Among the SRL respondents in this time frame, 48 per cent were from family law.³⁴ We believe that since Alberta and Saskatchewan have similar demographics, although a large difference in population size, these statistics could be at least suggestive of trends in Saskatchewan too. To better understand SRLs in Saskatchewan, further data should be collected.

³¹ *Ibid.*

³² *Ibid* at 33.

³³ *Ibid.*

³⁴ Julie Macfarlane, Gurleen Gill & Piper Riley Thompson, "Tracking the Continuing Trends of the Self-Represented Litigants Phenomenon: Data from the National Self-Represented Litigants Project 2015-2016" (2016), online (pdf): *The National Self-Represented Litigants Project* <<https://representingyourselfcanada.com/wp-content/uploads/2017/02/Intake-Report-2015-2016-FINAL1.pdf>>.

III: What Are the Current Issues with Saskatchewan Financial Statement and Property Statement?

Feedback from Consultees

To gather information for this report, we consulted with 24 consultees in the community. **The consultees included:**

- *Saskatchewan lawyers who regularly use both the Financial Statement and Property Statement forms for clients;*
- *Saskatchewan lawyers who aid SRLs when filling out the forms;*
- *University of Saskatchewan College of Law undergraduate students (law students) interested in family law; and*
- *University of Saskatchewan undergraduate students from outside the law department (undergraduate students). These were students with an interest in eventually applying for law school.*

Limitations in our research include that we could not consult with general members of the public. To address this limitation, we consulted with students in a way to best replicate the general public's perspective.

Methodology

The consultations with students were performed in two ways:

1. The Financial Statement and Property Statement forms were given to students in an advanced family law dispute resolution class to fill out on their own at home, then come to class to discuss. **We wanted to understand where users with basic knowledge in the area of family law were having trouble.**

2. Undergraduate students (law student and non-law students) were invited to participate in a small focus group. The participants filled out the Financial Statement and vocally told us their concerns as they filled the form out. The students were also given coloured sticky notes and asked to tab any word, term, or section that 1) gave them an emotional response; 2) made them question “why” they were filling something out; or 3) procedurally frustrated them. The focus group lasted an hour, and most participants were at Part 5 of the 6-part form when the group was finished.

Our consultations provided us with valuable feedback about the frustration of users, inapplicability of parts of the forms to SRLs, and the complex terminology that requires legal training in order to understand.

Main Conclusions

The overarching issue is that the forms simply are not comprehensible to those who are representing themselves in family court proceedings. It is our opinion that these categories are a broader indication of what negatively affects SRLs when navigating the family justice system.

Frustration of Users With the Forms: Many consultees used the word “frustrating” when reflecting on the procedural aspect of the forms. The undergraduate students at our focus group found the numbers involved with Annual Income (Part 1) and Annual Expenses (Part 2) frustrating, as some expenses or income seemed to fit under multiple categories. One lawyer told us that SRLs tend to become frustrated when filling in the Financial Statement. These individuals are concerned with being truthful but have a hard time understanding what many of the words mean.

Inapplicability of parts of the Forms to a Typical SRL: The length of the Financial Statement and Property Statement forms is directly correlated with its complexity because certain areas of the form do not apply to a typical SRL even though they do not. Examples of these areas are “dividends from Canadian corporations” and “taxable capital gains,” which are listed under “Adjusted Income” in Part 1 of the Financial Statement form. These sections tend to cause confusion and anxiety for SRLs. Typical SRLs do not receive corporate income, which makes aspects of this part of the Financial Statement form inapplicable and confusing. The terminology is too technical, and the thought of leaving many sections blank may cause stress in individuals who are concerned with filling out the form adequately. Consultees identified that the detailed list of expenses under Annual Expenses (Part 2) should be shortened to tackle the length and complexity of the forms. The calculation of annual expenses on things such as alcohol or haircare was stated to be “tedious” and “burdensome.”

Terminology in the Forms That Require Legal Training: All consultees identified the lack of plain language used on the Financial Statement and Property Statement forms as a substantial issue. “Undue Hardship” is a term that was commonly referred to as problematic. The term itself was unclear to both undergraduate and law students. Other terms that were found to be too “legal” were “non-arm’s length,” “legal duty to support,” “application date,” and all corporate-related terminology.

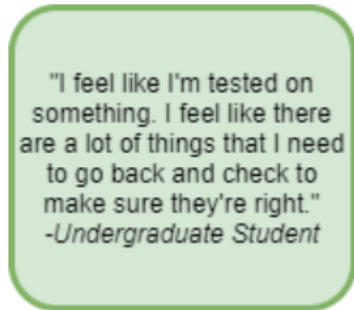
There are also reoccurring issues with the complex language in certain sections of the forms. For example, Replacements in Income under Adjustments to Annual Income on the Financial Statement form instructs the user to “see s. 5.” One undergraduate

student found any reference to sections of legislation confusing, as the short form of “section” is not normally understood by those without legal knowledge.

Feedback From Undergraduate Non-Law Students and Law Students

We wanted to gain the perspective of a user who has no legal background when we consulted with both groups of students. An impactful outcome of these consultations was that **we gained knowledge into how the family justice system may emotionally impact those who navigate it alone.** The students were able to empathize with a typical user and had little trouble putting themselves into the “shoes” of an SRL. **Many voiced concerns about the emotional toll that various aspects of the forms would have on those filling them out.**

All students noted the psychological harm that filling out the forms could have on individuals facing divorce. The undergraduate students were concerned with the length of the forms, and the time it would take a user who is already potentially busy taking care of a family to fill one out. These

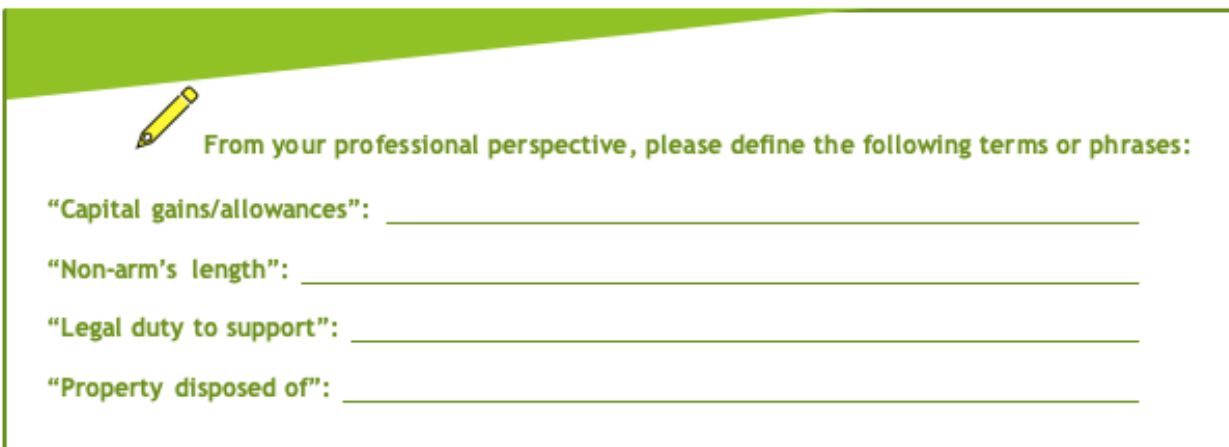



"I feel like I'm tested on something. I feel like there are a lot of things that I need to go back and check to make sure they're right."
-Undergraduate Student

students also noted that they felt significant stress when filling out their expenses. The law students told us that the complexity of the forms and the need to leave many sections blank could cause anxiety in an individual. They also mentioned to us that a user who is in the middle of ending a significant relationship might not be “emotionally ready” to fill out these forms.

These forms are dependent on the client filling them out accurately. But what if they don't? Assessing your finances is always emotionally exhaustive, and this only adds to it.
-Law Student

Practical considerations that users may face were also pointed out by both groups of students. The law students noted that users of an older generation might find that one partner was in charge of managing the finances. This could lead to an emotional reaction by the partner with less knowledge, as many of the sections may have to be left blank. The undergraduate students were also concerned with the stress a significant amount of numbers and math would cause to users with learning disabilities.



 From your professional perspective, please define the following terms or phrases:

"Capital gains/allowances": _____

"Non-arm's length": _____

"Legal duty to support": _____

"Property disposed of": _____

Feedback from Lawyers

Lawyer consultees were interested in the procedural pain points of the forms. We consulted with them to understand which points of the Financial Statement and Property Statement forms lead SRLs to seek legal advice.

Full assistance - Legal Aid - is only available at the lowest income bracket. But there are people with educational and language barriers that needs to be considered as well.
-Family Justice Services Lawyer

Complexity of the Forms

All professional consultees identified that a major problem with the Financial Statement and Property Statement forms is their complexity. The complexity issue is

primarily due to the specialized corporate assets under Adjusted Income (Part 1) of the Financial Statement. Organizations told us that **it would be for the best to either section off the problem areas or eliminate them entirely to avoid confusing individuals who do not own corporate assets.**

We were told that **it would be preferable to have two forms for the Financial Statement:** general users would utilize one simple and short form, and the other longer and more detailed form would be for users with more complicated assets. The former form would primarily list employment income. The latter form would require users to fill out sections relating to “capital gains,” “payments to non-arm’s length persons,” “capital allowances,” and any other corporate-related terms.

Having separate or modified forms would also help another major problem highlighted by consultees: the length of the forms. **Longer forms can be intimidating to users who are already in a vulnerable state.** One lawyer mentioned that the length of the forms tends to “scare a lot of people.” Finding ways to shorten the forms has been emphasized throughout our consultations.

Points of Confusion with the Forms

A lot of the questions on the Financial Statement lack context for people who don't have a legal background. There needs to be more of an explanation for *why* the question is being asked.
-PBLs

An excessive amount of legalese on the Financial Statement and Property Statement forms cause confusion amongst almost all consultees. Consultees indicated that an issue with the forms is that many of the questions seem to require a legal or accounting background. **Without legal education, users lack the proper context to understand many of the concepts.** An example of a confusing term in the Financial Statement form was the term “anticipate

any significant changes.” Many people do not understand how far in the future “anticipate” leads or how “significant” the changes must be before recording it. These words, while technically already in plain language, are ones that both lawyers and law students grapple with daily. There is a need to simplify them or have more detailed instructions regarding what these words mean.

Concepts requiring an accounting background were also mentioned to be confusing. Specifically noted were lines 5 through 9 of under “Deductions from Income” under Part 1 of the Financial Statement. All of these lines include section references to legislation and contain complex language, such as “[c]arrying charges and interest expenses” (line 7), “[p]rior period earnings” (line 8), and “sole proprietor income” (line 9).

The Property Statement form also creates confusion regarding **which point of view is relevant when determining the value of assets**. For example, when determining interest in land, users may be confused about whose interest is relevant: is it the user’s own interest, their spouse’s interest, or a jointly held interest? This issue of point of view ambiguity was identified as relevant regarding bank accounts as well.

Some consultees also believe that **the Property Statement form requires more plain language**. Part IV of the form (Property Exempt from Distribution) instructs the user to refer to “sections 23 and 24 of the *Family Property Act*” to determine whether their property is exempt. **Avoiding references to legislation and using clear language as to what qualifies as exempt would be a better approach**. Another option offered by consultees would be to allow users to put all their property on the form and ask the Court to conclude what is exempt and what is not.

Computer and User Literacy in Accessing the Forms

A re-work of the forms necessitates a consideration of what literacy level they should reflect. One consultee told us that materials of this sort should generally be at around a grade nine reading level. However, the reading level may have to increase where more detail is required.

One consultee expressed concerns with online forms and computer literacy. During our consultation, it was mentioned that online forms could be helpful in many cases. However, many people do not have proper access to a computer, or the computer literacy required to use them adequately.

We were made aware of the advantages of putting the forms online as well as certain barriers that would make it more difficult. Online forms would be helpful to users for two reasons: Firstly, the online forms could help users by not allowing them to access parts of forms that do not apply to them. This would help solve the complexity issue stated above, as users without investments or shares in corporations would not be given the option to state those assets. Secondly, an online form would help with calculations that can be confusing or overwhelming to some people. However, a large barrier and concern regarding online forms is the fact that private financial information is being added to an online system. While safety measures can be put into place, not all of them are completely hack-proof. User information could, therefore, be vulnerable. This is a major issue to consider when considering online forms.

Is the Financial Statement Form Necessary?

More than one professional consultee mentioned that there is simply no necessity in having a Financial Statement form at all. This was told to us by lawyers who represent clients as well as lawyers who aid SRLs.

A point made by many consultees is that the documents that support the Financial Statement form are more important than the form itself. Users who are filling out the forms themselves have only vague estimates of their income and expenses. However, documents such as income tax returns are objective proof of what the forms are trying to prove. Consultees also mentioned that some users might exaggerate or understate their expenses. We were told that “there's so much inconsistency in *how* they [the user] fill it out. Even the same lawyer will have inconsistencies depending on who they're representing.” With these inconsistencies in mind, it is easy to see why the Financial Statement may be considered impractical and not helpful in its current form. Users are asked to fill out a complex and time-consuming form, while they could instead submit documents and affidavits.

IV: Recommendations for Proposed New Forms

It was most important for us to re-design and make adjustments to the Saskatchewan forms, keeping the user at the forefront of our minds. It is also important to keep in mind that ongoing data collection is a key consideration in ever-improving and evolving justice sector reform. Keeping both of these in mind when making proposals for changes, we decided to substantially focus on changes to the Financial Statement. This

is also in line with recommendations from consultees, who suggested that the Financial Statement had larger issues with it and could benefit from a total re-design.

We, therefore, redesigned the form from a user perspective, utilizing the Access to Justice Measurement Framework introduced by Access to Justice BC (“A2JBC”).³⁵ This framework is used to evaluate justice sector programs and was a useful tool in redesigning the Financial Statement. We began by recognizing that the current Saskatchewan Financial Statement does not fulfil any of the three elements of the Framework.

First, it does not improve population access to justice by being so difficult to fill out that the majority of users seek out additional help. To solve this, we propose a shorter form similar to Nova Scotia and Manitoba. The new condensed form, therefore, improves population access to justice by responding to the legal need to fill out the form independently and in the least time-consuming way possible. We achieved this by responding to consultee suggestions to remove the detailed budget section and to provide more opportunities and instructions for the user to attach details as affidavits. Additionally, we attempted to make sure the vocabulary was at a readable level based on our literacy research and feedback from PLEA.

Second, the old Financial Statement did not improve the user experience of access to justice. This was shown through our focus groups’ use of emotionally charged words to describe the form, such as “frustrating,” “stressful,” and “exhausting.” Therefore, we made a conscious effort to remove any language referencing the

³⁵ Yvon Dandurand & Jessica Jahn, “Access to Justice Measurement Framework”, online (pdf): International Centre for Criminal Law Reform & Criminal Justice Policy <icclr.org/wp-content/uploads/2019/06/Access-to-Justice-Measurement-Framework_Final_2017.pdf?x30145>.

legislation and obscure financial language. By doing this we hope to not only enhance the quality of the user experience, which is a dimension of improving user experience, but we also hope this will help the user experience in facing obstacles to access to justice. Finally, by prompting the user when to attach additional documentation, we hope this helps the effectiveness of the justice system in addressing user legal problems by helping both lawyers and judges gather the supporting documentation that they need to help their clients.

Finally, we hope that these proposed changes help to improve the costs of using the justice system. If the Financial Statement is clear enough that the user can fill it out by themselves, they do not have to pay their lawyer to fill it out for them, thereby lowering their costs. With a straightforward form, hopefully, court workers will spend less time correcting the form. This will mean that court workers can spend more time focusing on other issues, which could potentially lower costs for the justice system itself.

By using the Nova Scotia form as a guide and taking into account the feedback we gathered from consultees, we have redesigned the Saskatchewan Financial Statement to help not only SRL users but for professional users of the forms as well. We removed sections that received the most frustration from our focus group participants, which happened to be the same sections that professional users had problems with. Overall, the form is now condensed, easy to read and fill in, and less time consuming while providing opportunities to expand on explanations in affidavit form. We also made it clear where there is the expectation that supporting documents will be needed in affidavit form. Our proposed new Financial Statement is attached in Appendix I.

List of Consultees

Kim Newsham

Charmaine Panko

Suneil Sarai

Jocelyn Gagne

Carly Romanow

Beau Atkins

Greg Walen

Slade Hall

Kanwar Sidhu

Sarah Engen

Jina Bae

Lisa Wanlin

Declan Cameron

Brianne Cipywynk

Lea Barnard

The students of Advanced Negotiation and Dispute Resolution in Family Law

Appendices

Appendix I: Proposed Amended Financial Statement

Form 15-26A

(Rule 15-26)

COURT FILE NUMBER _____

COURT OF QUEEN'S BENCH FOR SASKATCHEWAN

(FAMILY LAW DIVISION)

JUDICIAL CENTRE _____

PETITIONER/
CO-PETITIONERS _____

RESPONDENT _____

Statement of Income of _____
prepared on _____

I make oath/affirm and give evidence as follows:

You will need the following documents in order to complete this form:

- ✓ Income tax return OR completed CRA consent form
- ✓ Year to date (or three most recent) pay stubs
- ✓ Any documents that support the claims set out below (including receipts, letters from various people/organizations, proof of social assistance, proof of EI payments, proof of WCB payments, etc.)

You will be prompted where to attach the documents, which will be sworn as *affidavits*.

The following charts will help you convert income to a yearly income figure.

If you have three income sources, use one chart for each source.

First Income Source: _____ (*Name of Source*)

| PRE-DEDUCTION INCOME – YEARLY CONVERSION CHART | | |
|--|----------------------|---------------|
| MY PAY PERIOD | CONVERSION FORMULA | YEARLY INCOME |
| Weekly | \$ _____ x 4.33 x 12 | |
| Every Second Week | \$ _____ x 2.17 x 12 | |
| | | |

| | | |
|-----------------|-------------------|--|
| Twice Per Month | \$ _____ x 2 x 12 | |
| Monthly | \$ _____ x 12 | |
| Yearly Salary | | |

Second Income Source: _____ *(Name of Source)*

| PRE-DEDUCTION INCOME – YEARLY CONVERSION CHART | | |
|--|----------------------|---------------|
| MY PAY PERIOD | CONVERSION FORMULA | YEARLY INCOME |
| Weekly | \$ _____ x 4.33 x 12 | |
| Every Second Week | \$ _____ x 2.17 x 12 | |
| Twice Per Month | \$ _____ x 2 x 12 | |
| Monthly | \$ _____ x 12 | |
| Yearly Salary | | |

Third Income Source: _____ (Name of Source)

| PRE-DEDUCTION INCOME – YEARLY CONVERSION CHART | | |
|--|---------------------|---------------|
| MY PAY PERIOD | CONVERSION FORUMLA | YEARLY INCOME |
| Weekly | \$_____ x 4.33 x 12 | |
| Every Second Week | \$_____ x 2.17 x 12 | |
| Twice Per Month | \$_____ x 2 x 12 | |
| Monthly | \$_____ x 12 | |
| Yearly Salary | | |

Other (If Needed):

This image shows a blank sheet of white paper with horizontal ruling lines. The lines are evenly spaced and run across the width of the page. There are no margins, text, or other markings on the paper.

1. Attached are true copies of my personal income tax returns filed with Canada Revenue Agency for the three most recent taxation years.
☐ Yes
☐ No, because _____
2. Attached are true copies of Notices of Assessment (or Re-Assessment) issued by Canada Revenue Agency for each of the three most recent taxation years.
☐ Yes
☐ No, because _____
3. Do you anticipate any changes to your employment in the next 6 months?
☐ Yes
☐ No, because _____
☐ No
- 4.. Do you anticipate any changes in any other area of income in the next 6 months? (Rental Income, Dividends, Capital Gains, Pension Income, EI Benefits, WCB Benefits, Social Assistance Payments, Other)
☐ Yes
☐ No, because _____
☐ No
5. Do you have any investment income?
☐ Yes
☐ No, because _____
☐ No
6. ***THE FOLLOWING ITEMS MARKED WITH AN X APPLY TO ME:***
(You may select more than one if more than one applies to you)

☐ ***I AM AN EMPLOYEE:***

Attached is:

- ☐ My 3 most recent CRA tax returns; **OR**
☐ My CRA Consent Form

And:

- ☐ A true copy of my three most consecutive recent statements of earnings or pay stubs indicating my total earnings paid in the year to date, including overtime;
OR

- ☐ A letter from my employer setting out my annual salary or remuneration, my earnings to date for this year, including overtime.

| | |
|-----------|--|
| EMPLOYER | |
| JOB TITLE | |

| YEARLY INCOME | AMOUNT | COMMENTS |
|--|--------|----------|
| A) Pre-Deduction Salary or Wages or Net Professional Income (from the Yearly Conversion Chart) | | |
| B) Overtime/Commissions/Bonuses | | |
| C) SUB TOTAL | | |
| D) Deduct Union Dues | | |
| E) Deduct Other Schedule III Adjustments | | |
| F) TOTAL YEARLY INCOME (FOR TABLE AMOUNT CHILD SUPPORT) | | |
| G) Child Tax Benefit | | |
| H) GST Credit | | |
| I) TOTAL YEARLY INCOME | | |

☐ **I AM UNEMPLOYED/RETIRED:**

Attached is:

- ☐ An explanation of my income to date this year from _____
 _____(include particulars of all income received by way of employment
 insurance benefits, social assistance, pension income, Workers Compensation,
 disability or such other benefits or income as may apply. If a statement of
 income is not available, provide a letter from the applicable source of income
 stating the required information).

| GROSS MONTHLY INCOME (from the Monthly Conversion Chart) | AMOUNT | COMMENTS |
|---|---------------|-----------------|
| A) Employment Insurance Benefits | | |
| B) Social Assistance/Family Benefits | | |
| C) Pension Income | | |
| D) TOTAL YEARLY INCOME (FOR TABLE AMOUNT CHILD SUPPORT) | | |
| E) Child Tax Benefit | | |
| F) GST Credit | | |
| G) TOTAL YEARLY INCOME | | |

☐ ***I AM SELF-EMPLOYED:***

I am self-employed and attached are:

- ☐ true copies of the financial statements of my business *or professional practice (other than partnership)* for the three most recent taxation years; **and**
- ☐ a statement showing a breakdown of all salaries, wages, management fees or other payments or benefits paid to, or on behalf of, persons or corporations with whom I do not deal at arms' length.

| | |
|---|--|
| A) TOTAL YEARLY INCOME (FOR TABLE AMOUNT CHILD SUPPORT) (From Yearly Conversion Chart if applicable) | |
| B) Child Tax Benefit | |
| C) GST Credit | |
| D) TOTAL YEARLY INCOME | |

☐ ***I AM A MEMBER OF A PARTNERSHIP:***

- ☐ I am a partner in the partnership known as _____
[name of Partnership] and attached is confirmation of my current income and draw from that partnership and my capital in the partnership for the three most recent taxation years.

| GROSS YEARLY INCOME | AMOUNT | COMMENTS |
|--|---------------|-----------------|
| A) Income from Trust | | |
| B) TOTAL YEARLY INCOME (FOR TABLE AMOUNT CHILD SUPPORT) | | |

| | | |
|-------------------------------|--|--|
| E) Child Tax Benefit | | |
| F) GST Credit | | |
| G) TOTAL YEARLY INCOME | | |

☐ ***I CONTROL A CORPORATION:***

- ☐ Attached are true copies of the financial statements for the corporation _____ [name of corporation], in which I have a controlling interest, for the three most recent taxation years. Where a party controls a corporation, the financial statements for the three most recent taxation years for that corporation **must be provided** as well as the financial statements for that company's subsidiaries.
- ☐ Attached is a statement showing a breakdown of all salaries, wages, management fees and other payments or benefits paid to, or on behalf of, persons or corporations with whom the corporation, and every related corporation does not deal at arm's length.

| GROSS YEARLY INCOME | AMOUNT | COMMENTS |
|--|---------------|-----------------|
| A) Corporate Dividends | | |
| B) TOTAL YEARLY INCOME (FOR TABLE AMOUNT CHILD SUPPORT) | | |
| E) Child Tax Benefit | | |
| F) GST Credit | | |
| G) TOTAL YEARLY INCOME | | |

☐ ***I AM A BENEFICIARY UNDER A TRUST:***

- ☐ Attached is a true copy of the trust settlement agreement of which I am a beneficiary as well as true copies of the three most recent financial statements of the trust.

| GROSS YEARLY INCOME | AMOUNT | COMMENTS |
|----------------------|--------|----------|
| A) Income from Trust | | |

☐ ***I AM AN ADMINISTRATOR OR A TRUSTEE OF A TRUST***

| GROSS YEARLY INCOME | AMOUNT | COMMENTS |
|----------------------|--------|----------|
| A) Income from Trust | | |

7. Undue Hardship

- ☐ I am making a claim for undue hardship and have attached supplementary form X.

8. Special Expenses

- ☐ I am making a claim for Special Expenses, details below:
☐ Copies of Receipts are attached
☐ I am not making a claim for Special Expenses

The following is a list of all special expenses related to my child(ren) (day care, medical expenses out of pocket, activities, lessons, school tuition, etc), including any reimbursement you receive for the expense: (on following page)

| CHILD | TYPE OF EXPENSE (PROVIDE DETAILS) | AMOUNT | HOW OFTEN DO YOU PAY THIS AMOUNT (One-time yearly fee, or monthly expense, or weekly expense, etc) | REIMBURSEMENT |
|--------------|--|---------------|---|----------------------|
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| TOTAL | | | | |

10. Oath/Affirmation

I, _____ of _____
(name) (address)
_____,
(city) (province)

swear (or affirm) that:

The information set out in this Financial Statement is true and complete to the best of my knowledge and belief, and sets out my financial situation as of: _____
(give date for which information is accurate)

SWORN (OR AFFIRMED) BEFORE ME

at, _____, Saskatchewan,

this _____ day of _____,

2_____.

Commissioner for Oaths
for Saskatchewan

(signature)

Declaration:

This declaration is to be filled out if your income is tax exempt because of your Indian status.

My name is _____
(full legal name)

I live in _____
(municipality and province)

AND I DECLARE THAT THE FOLLOWING IS TRUE:

- 1 I am an Indian within the meaning of the *Indian Act* (Canada).
- 2 Because of my status, my income is tax exempt and I am not required to file an income tax return.
- 3 I have therefore not filed an income tax return for the last three years.

DECLARED BEFORE ME AT

(municipality)

in _____
(province, state or country)

on _____
(date)



(signature)

Commissioner for Oaths for Saskatchewan

Appendix II: Nova Scotia Financial Statement

**Supreme Court of Nova Scotia
(Family Division)**

Between:

Applicant/Petitioner

and

Respondent

**Statement of Income of _____
prepared on _____**

I make oath/affirm and give evidence as follows:

The following chart converts my gross income as stated on my filed or attached
_____ to a monthly figure.

[If you have two income sources, use one chart for each source.]

First Income Source: _____ (*Name of Source*)

| GROSS INCOME - MONTHLY CONVERSION CHART | | |
|--|--------------------|----------------|
| MY PAY PERIOD | CONVERSION FORMULA | MONTHLY INCOME |
| Weekly | \$ _____ x 4.33 | \$ _____ |
| Every second week | \$ _____ x 2.17 | \$ _____ |
| Twice per month | \$ _____ x 2 | \$ _____ |
| Monthly | | \$ _____ |

Second Income Source: _____ (*Name of Source*)

| GROSS INCOME - MONTHLY CONVERSION CHART | | |
|--|--------------------|----------------|
| MY PAY PERIOD | CONVERSION FORMULA | MONTHLY INCOME |
| Weekly | \$ _____ x 4.33 | \$ _____ |
| Every second week | \$ _____ x 2.17 | \$ _____ |
| Twice per month | \$ _____ x 2 | \$ _____ |
| Monthly | | \$ _____ |

2. The following is a statement of my current **monthly** income from all sources:

| GROSS MONTHLY INCOME (from the Monthly Conversion Chart) | AMOUNT | COMMENTS |
|---|---------------|-----------------|
| A) Gross Salary or Wages or Net Professional Income | | |
| B) Overtime/Commissions/Bonuses | | |
| C) Employment Insurance Benefits | | |
| D) Social Assistance/Family Benefits | | |
| E) Pension Income | | |
| F) Actual Dividends Received Before Gross-up | | |
| G) Income from Trust | | |
| H) Investment Income | | |
| I) Other - | | |
| J) Other - | | |
| K) Other - | | |
| L) SUB TOTAL | | |
| M) Deduct Union Dues | | |
| N) Deduct Other Schedule III Adjustments | | |
| O) TOTAL MONTHLY INCOME (FOR TABLE AMOUNT CHILD SUPPORT) | | |
| P) Child Tax Benefit | | |
| Q) GST Credit | | |
| R) TOTAL MONTHLY INCOME | | |

Total Monthly Income for table amount: (Line O, above) _____ X 12

Total Annual Income for table amount: _____

3. Attached are true copies of my personal income tax returns filed with Canada Revenue Agency for the three most recent taxation years.
4. Attached are true copies of Notices of Assessment (or Re-Assessment) issued by Canada Revenue Agency for each of the three most recent taxation years.
5. ***THE FOLLOWING ITEMS MARKED WITH AN **AX**= APPLY TO ME:***

☐ ***I AM AN EMPLOYEE:***

Attached is a true copy of my two most consecutive recent statements of earnings or pay stubs indicating my total earnings paid in the year to date, including overtime (*or alternatively, a letter from my employer setting out my annual salary or remuneration, my earnings to date for this year, including overtime*).

☐ ***I AM UNEMPLOYED:***

Attached is a statement of my income to date this year from (*include particulars of all income received by way of employment insurance benefits, social assistance, pension income, Workers= Compensation, disability or such other benefits or income as may apply. If a statement of income is not available, provide a letter from the applicable source of income stating the required information*).

☐ ***I AM SELF-EMPLOYED:***

I am self-employed and attached are:

- (i) true copies of the financial statements of my business *or professional practice (other than partnership)* for the three most recent taxation years; and
- (ii) a statement showing a breakdown of all salaries, wages, management fees or other payments or benefits paid to, or on behalf of, persons or corporations with whom I do not deal at arms' length.

☐ ***I AM A MEMBER OF A PARTNERSHIP:***

I am a partner in the partnership known as _____[name of Partnership] and attached hereto is confirmation of my current income and draw from

that partnership and my capital in the partnership for the three most recent taxation years.

☐ ***I CONTROL A CORPORATION:***

(i) Attached are true copies of the financial statements for the corporation _____ [name of corporation], in which I have a controlling interest, for the three most recent taxation years. [Where a party controls a corporation, the financial statements for the three most recent taxation years for that corporation must be provided as well as the financial statements for that company=s subsidiaries].

(ii) Attached is a statement showing a breakdown of all salaries, wages, management fees and other payments or benefits paid to, or on behalf of, persons or corporations with whom the corporation, and every related corporation does not deal at arm=s length.

☐ ***I AM A BENEFICIARY UNDER A TRUST:***

Attached is a true copy of the trust settlement agreement of which I am a beneficiary as well as true copies of the three most recent financial statements of the trust.

☐ ***I AM AN ADMINISTRATOR OR A TRUSTEE OF A TRUST***

Sworn to/Affirmed before me)
on _____, 20)
at _____, Nova Scotia)
)
)
)
)

Signature of Authority

Signature of

Print Name:

Official Capacity:

Appendix III: Manitoba Financial Statement

THE QUEEN'S BENCH (FAMILY DIVISION)
_____ **Centre**

BETWEEN:

petitioner

- and -

respondent

FINANCIAL STATEMENT OF _____

SWORN/AFFIRMED: _____

(Name, address and telephone number of party filing)

THE QUEEN'S BENCH (FAMILY DIVISION)_____
Centre

BETWEEN:

petitioner

– and –

respondent

FINANCIAL STATEMENTFINANCIAL STATEMENT OF _____
(Petitioner/Respondent)I, _____, of the _____ of _____,
in the province of _____, SWEAR (or AFFIRM) THAT:

1. Attached are the following:
 - Part 1 — Annual Income
 - Part 2 — Monthly Expenses
 - Part 3 — Assets of Both Parties
 - Part 4 — Debts of Both Parties

2. To the best of my knowledge, information and belief, the information set out in this financial statement is true and complete.

SWORN (or affirmed) before me at the _____)
 _____ of _____,)
 in the Province of Manitoba,)
 this ____ day of _____, _____.)

 Deputy Registrar for Queen's Bench or
 A Commissioner for Oaths in and for
 The Province of Manitoba
 My Commission expires: _____

PART 1 – ANNUAL INCOME

1. I am

☐ employed as *(describe occupation)* _____
by *(name and address of employer)* _____
_____.

☐ self-employed, carrying on business under the name of *(name and address of business)*

_____.

☐ unemployed since _____.

2. (a) Attached are copies of my Canada Revenue Agency income and deduction computer printouts for each of the three most recent taxation years _____, _____, _____.
(years)

(b) I cannot obtain the printouts for the years _____, _____, _____ because *(give reasons)*
(years)

_____.

3. (a) I expect my total income for this year to be as follows:

SOURCES OF INCOME

| | | |
|---|-------------|-----------|
| Employment income (<i>wages, salary, commissions, including overtime and bonuses</i>) | | _____ |
| Other employment income (<i>including tips and gratuities</i>) | | _____ |
| Old age security pension | | _____ |
| Canada or Quebec Pension Plan benefits | | _____ |
| Other pensions or superannuation | | _____ |
| Employment insurance benefits | | _____ |
| Taxable amount of dividends from taxable Canadian corporations | | _____ |
| Interest and other investment income | | _____ |
| Net partnership income | | _____ |
| Rental income | Gross _____ | Net _____ |
| Taxable capital gains | | _____ |
| Spousal support | | _____ |
| Child support (<i>taxable only</i>) | | _____ |
| Registered Retirement Savings Plan income | | _____ |
| Business income | Gross _____ | Net _____ |
| Professional income | Gross _____ | Net _____ |
| Commission income | Gross _____ | Net _____ |
| Farming income | Gross _____ | Net _____ |
| Fishing income | Gross _____ | Net _____ |
| Workers' Compensation benefits | | _____ |
| Social Assistance payments | | _____ |
| Net federal supplements | | _____ |
| Other income (<i>specify</i>) | | _____ |

(A) TOTAL ANNUAL INCOME:

Total income as declared in most recent personal income tax return _____
(year)

ADJUSTMENTS TO INCOME

Additions:

| | | |
|--|---------|-------|
| Actual amount of dividends received from Canadian corporations | | _____ |
| Actual capital gains realized in excess of actual capital losses | | _____ |
| Salaries, benefits or other payments paid to non-arm's length persons, and deducted from self-employment income, unless necessary to earn self-employment income | | _____ |
| Allowable capital cost allowance for real property | | _____ |
| Employee stock options with a Canadian-controlled private corporation exercised (<i>Do not include if you dispose of the shares in the same year you exercise the option.</i>) | | _____ |
| Value of shares at the time the options are exercised | _____ | |
| Less: Amount paid for the shares | _____ | |
| Amount paid to acquire the options to purchase the shares | _____ | |
| | = _____ | _____ |

(B) TOTAL ADDITIONS:

Deductions:

Union, professional dues and other employment expenses allowed under Schedule III _____
Child support received and included in total income above _____
Spousal support received from the other parent and included in total income above _____
Social assistance received by the parent for other members of the household _____
Taxable amount of dividends from taxable Canadian corporations _____
Taxable capital gains _____
Actual amount of business investment losses _____
Carrying charges and interest expenses _____
Self-employment income, net of reserves, included in income for tax purposes in excess of the self-employment income for the 12 months ending on December 31 of the reporting year _____
Portion of partnership and sole proprietorship income that is required by the partnership to be re-invested _____

(C) TOTAL DEDUCTIONS: _____

Annual Income for Child Support Guidelines Table Amount
(Total income (A) plus additions (B) less deductions (C)) _____

Annual Income for Special or Extraordinary Expenses Amount
(Annual Income for Child Support Guidelines Table Amount less spousal support paid to the other parent, or, plus spousal support received from the other parent, as applicable) _____

(b) I receive child support for the following persons who are not the subject of this application:

| Name | Annual amount | Taxable or not (indicate) |
|-------|---------------|---------------------------|
| _____ | _____ | _____ |

(c) I receive the following non-taxable benefits, allowances or amounts: *(This includes items such as use of a vehicle and room and board. Where the benefit is not an amount, include an estimate of the value of the benefit on an annual basis.)*

| Benefit | Benefit | Annual amount or value |
|---------|---------|------------------------|
| _____ | _____ | _____ |

PART 2 – MONTHLY EXPENSES

4. My monthly expenses are as follows and are for me and the following members of my household:

(If the payment of an expense is shared with another person, insert only the amount that you pay. Convert all expenses incurred in a year, whether on a yearly, quarterly, weekly, or other basis, to monthly amounts. Give actual amounts where known or you can obtain the information. If this is impossible, give estimates.)

Compulsory Deductions

SUB-TOTAL \$ _____

Income Tax \$ _____
 Employment insurance \$ _____
 Canada Pension Plan \$ _____
 Employer pension \$ _____
 Union dues \$ _____
 Insurance \$ _____
 Other (specify) \$ _____

Household Expenses

Groceries and household supplies \$ _____
 Meals outside the home \$ _____
 Telephone \$ _____
 Cable television \$ _____
 Laundry and dry cleaning \$ _____
 Newspapers, publications \$ _____
 Stationery, computer supplies \$ _____
 Vacation \$ _____
 Pet care \$ _____

Housing (primary residence)

Rent or mortgage \$ _____
 Taxes \$ _____
 Home Insurance \$ _____
 Heat \$ _____
 Water \$ _____
 Hydro \$ _____
 House repairs and maintenance \$ _____
 Yard maintenance \$ _____
 Other (specify) \$ _____

Health

Medical Insurance \$ _____
 Drugs (Net of coverage) \$ _____
 Dental Care (Net of coverage) \$ _____
 Optical Care (Net of coverage) \$ _____
 Other (specify) \$ _____

Transportation

Public transit, taxis, etc. \$ _____
 Car Operation \$ _____
 Gas and Oil \$ _____
 Insurance and licence \$ _____
 Maintenance \$ _____
 Parking \$ _____

Adult Household Members

Clothing \$ _____
 Hair care \$ _____
 Toiletries, cosmetics \$ _____
 Education fees, supplies \$ _____
 Entertainment and recreation \$ _____
 Fitness \$ _____
 Insurance \$ _____
 Charitable donations \$ _____
 Gifts to others \$ _____
 Alcohol, tobacco \$ _____

Children

Child care \$ _____
 Babysitting \$ _____
 Clothing \$ _____
 Hair care \$ _____
 Allowances \$ _____
 School fees and supplies \$ _____
 Entertainment and recreation \$ _____
 Insurance \$ _____
 Gifts (toys, books, etc) \$ _____
 Activities, lessons and supplies \$ _____
 Camp \$ _____
 Gifts to other children \$ _____

Savings for the future

RRSP \$ _____
 RESP \$ _____
 Other \$ _____

Debt (other than mortgage**repayment)** (calculated as in Part 4) \$ _____**Lease payments (specify)**

\$ _____

Support payments to others

(specify)* \$ _____

Reserve for income taxes

\$ _____

Other (specify)

\$ _____

TOTAL \$ _____

SUBTOTAL \$ _____

* List only persons whose support is not at issue in this application. Specify the person who is supported, whether the payments are tax deductible to you, and whether they are voluntary or pursuant to a court order or agreement.

5. (Complete only if claiming child support and special or extraordinary expenses.)

I have the following special or extraordinary expenses for the named children:

(a) Child care expenses

| Name of child _____ | Gross annual cost | Net annual cost |
|---------------------|-------------------|-----------------|
| _____ | _____ | _____ |
| (specify expense) | _____ | _____ |
| _____ | _____ | _____ |

(b) Health-related expenses that exceed insurance reimbursement by at least \$100 annually:

| Name of child _____ | Gross annual cost | Net annual cost |
|---------------------|-------------------|-----------------|
| _____ | _____ | _____ |
| (specify expense) | _____ | _____ |
| _____ | _____ | _____ |

(c) Extraordinary expenses for primary or secondary school education or for any educational programs that meet the child's particular needs

| Name of child _____ | Gross annual cost | Net annual cost |
|---------------------|-------------------|-----------------|
| _____ | _____ | _____ |
| (specify expense) | _____ | _____ |
| _____ | _____ | _____ |

(d) Post-secondary education

| Name of child _____ | Gross annual cost | Net annual cost |
|---------------------|-------------------|-----------------|
| _____ | _____ | _____ |
| (specify expense) | _____ | _____ |
| _____ | _____ | _____ |

(e) Extraordinary expenses for extracurricular activities

| Name of child _____ | Gross annual cost | Net annual cost |
|---------------------|-------------------|-----------------|
| _____ | _____ | _____ |
| (specify expense) | _____ | _____ |
| _____ | _____ | _____ |

PART 3 — ASSETS OF BOTH PARTIES

6. Our assets are as follows:

(Include all assets, whether or not shareable under The Family Property Act, including jointly owned assets. Where there is a claim under The Family Property Act, identify with an asterisk () those assets alleged to be non-shareable. Do not complete the column headed "Market Value at Date of Separation" if there is no claim under The Family Property Act.)*

| | Asset in Possession of Petitioner (P) or Respondent (R) | Present Market Value | Market Value at Date of Separation |
|--|---|-------------------------|---------------------------------------|
| Real estate (municipal address) | _____ | \$ _____ | \$ _____ |
| Cars, boats, vehicles (year, make, model) | _____ | \$ _____ | \$ _____ |
| Household goods, furniture and appliances | _____ | \$ _____ | \$ _____ |
| Tools, sports and hobby equipment | _____ | \$ _____ | \$ _____ |
| Bank accounts and cash on hand | _____ | \$ _____ | \$ _____ |
| R.R.S.P. | _____ | \$ _____ | \$ _____ |
| Bonds, shares, term deposits, investment certificates, mutual funds | _____ | \$ _____ | \$ _____ |
| Money owed to us | _____ | \$ _____ | \$ _____ |
| Life Insurance (cash value) | _____ | \$ _____ | \$ _____ |
| Pension plans | _____ | \$ _____ | \$ _____ |
| Business assets | _____ | \$ _____ | \$ _____ |
| Other (<i>specify</i>) | _____ | \$ _____ | \$ _____ |
| TOTAL | | \$ _____ | \$ _____ |

PART 4 — DEBTS AND OTHER LIABILITIES OF BOTH PARTIES**7. Our debts and liabilities are as follows:**

(List all your debts and liabilities as well as any joint debts and liabilities. Identify joint liabilities with an asterisk (). Do not complete the column headed "Amount Outstanding at Date of Separation" if there is no claim under The Family Property Act.)*

| | <u>Debt of Petitioner (P) or Respondent (R) or Joint (*)</u> | <u>Present Amount Outstanding</u> | <u>Amount Outstanding at Date of Separation</u> | <u>Present Monthly Payments</u> |
|--------------------------|--|---------------------------------------|---|---|
| Mortgage | _____ | \$ _____ | \$ _____ | \$ _____ |
| Loans (<i>specify</i>) | _____ | \$ _____ | \$ _____ | \$ _____ |
| | _____ | \$ _____ | \$ _____ | \$ _____ |
| | _____ | \$ _____ | \$ _____ | \$ _____ |
| Credit cards | _____ | \$ _____ | \$ _____ | \$ _____ |
| | _____ | \$ _____ | \$ _____ | \$ _____ |
| | _____ | \$ _____ | \$ _____ | \$ _____ |
| Other (<i>specify</i>) | _____ | \$ _____ | \$ _____ | \$ _____ |
| | _____ | \$ _____ | \$ _____ | \$ _____ |
| | _____ | \$ _____ | \$ _____ | \$ _____ |
| TOTAL | | \$ _____ | \$ _____ | \$ _____ |