

**INTERJURISDICTIONAL SUPPORT ORDERS ACT**

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**INTERJURISDICTIONAL SUPPORT ORDERS REGULATIONS**

The Commissioner, on the recommendation of the Minister, under section 44 of the *Interjurisdictional Support Orders Act* and every enabling power, makes the annexed *Interjurisdictional Support Orders Regulations*.

1. In these regulations, "Maintenance Enforcement Administrator" means the Maintenance Enforcement Administrator appointed under the *Maintenance Orders Enforcement Act*.
2. A claimant commencing a proceeding under section 4 of the Act that could result in a support order being made in a reciprocating jurisdiction must
  - (a) include in the claimant's support application the information or documents required by the reciprocating jurisdiction; and
  - (b) file the original and four copies of the support application with the Clerk of the Nunavut Court of Justice.
3. After having commenced a proceeding under section 4 of the Act that could result in a support order being made in a reciprocating jurisdiction, a claimant shall, until the conclusion of the hearings on the matter, notify the designated authority immediately of any change in the address for service included in the support application.
4. (1) For the purposes of subsection 5(3) of the Act, on receiving a request for further information or documents from a reciprocating jurisdiction the claimant must, subject to subsection (2):
  - (a) set out the information or documents as part of, or attached as exhibits to, a sworn document; and
  - (b) within the time referred to in the request, file the original and four copies of the sworn document with the Clerk of the Nunavut Court of Justice.

(2) If the reciprocating jurisdiction requests that further information be provided by the claimant by a conference telephone call and the courthouse located nearest to the claimant's residence is equipped to conduct a conference telephone call, the claimant may provide the information in that manner instead of providing a sworn document under subsection (1).
5. The prescribed manners for forwarding a copy of a support order and reasons, if any, to the claimant under subsection 5(5) of the Act are:
  - (a) by regular or registered mail addressed to the claimant's last known address; or
  - (b) by fax or email if the Clerk considers either of those means appropriate.

**6.** (1) If the designated authority is required to serve a copy of a support application and a notice on the respondent under subsection 8(1) of the Act, the documents may be served by regular mail addressed to the respondent's last known address or in accordance with an order for service made by the Nunavut Court of Justice.

(2) The respondent must complete any forms served with the notice and provide the completed forms and any other information or documents requested by the designated authority in the notice to the Nunavut Court of Justice at the place and time set out in the notice.

**7.** The prescribed manners for forwarding a copy of an order made in the absence of the respondent to the respondent under subsection 13(2) of the Act are:

- (a) by regular or registered mail addressed to the respondent's last known address; or
- (b) by fax or email if the Clerk considers either of those means appropriate.

**8.** If the designated authority is required under section 18 of the Act to notify a party to a foreign order of the registration of the order, the designated authority must serve notice by personal service or regular or registered mail addressed to the party's last known address.

**9.** For the purpose of subsection 18(2) of the Act, a party to a foreign order applying to the Nunavut Court of Justice to set aside the registration of the foreign order must

- (a) file with the Clerk of the Nunavut Court of Justice a notice of motion that sets out the grounds for the application and that names a date for the hearing of the application that is not later than 60 days after the date the notice of motion is filed; and
- (b) serve the notice of motion on the designated authority at least 20 days before the date set for hearing the application by serving it on the Maintenance Enforcement Administrator personally or by regular mail or fax.

**10.** For the purpose of subsection 18(6) of the Act, the party who applied to set aside the registration of a foreign order must give notice of the decision or order of the Nunavut Court of Justice to

- (a) the designated authority by serving notice on the Maintenance Enforcement Administrator personally or by regular mail or fax; and
- (b) the other party by sending notice by regular mail addressed to the party's last known address or by sending notice by regular mail to the appropriate authority in a reciprocating jurisdiction if
  - (i) the party resides in a reciprocating jurisdiction, and
  - (ii) an appropriate authority in that jurisdiction originally sent the foreign order to Nunavut for registration.

**11.** A respondent who has been served with a support application under section 18 of the Act shall, until the conclusion of the hearings on the matter, provide the designated authority with an address for service and shall inform the designated authority immediately of any change in the address for service.

**12.** An applicant commencing a proceeding under section 22 of the Act that could result in a support variation order being made in a reciprocating jurisdiction must

- (a) include any information or documents required by the reciprocating jurisdiction in the applicant's support variation application; and
- (b) file the original and four copies of the support variation application with the Clerk of the Nunavut Court of Justice.

**13.** After having commenced a proceeding under section 22 of the Act that could result in a support order being varied in a reciprocating jurisdiction, an applicant shall, until the conclusion of the hearings on the matter, notify the designated authority immediately of any change in the address for service included in the support application.

**14.** (1) For the purposes of subsection 23(3) of the Act, on receiving a request for further information or documents from a reciprocating jurisdiction the applicant must, subject to subsection (2),

- (a) set out the information or documents as part of, or attached as exhibits to, a sworn document; and
- (b) within the time referred to in the request, file the original and four copies of the sworn document with the Clerk of the Nunavut Court of Justice.

(2) If the reciprocating jurisdiction requests that further information be provided by the claimant by a conference telephone call and the courthouse located nearest to the claimant's residence is equipped to conduct a conference telephone call, the claimant may provide the information in that manner instead of providing a sworn document under subsection (1).

**15.** The prescribed manners for providing the applicant with a copy of a support variation order and reasons, if any, under subsection 23(4) of the Act are:

- (a) by regular or registered mail addressed to the applicant's last known address; or
- (b) by fax or email if the designated authority considers either of those means appropriate.

**16.** (1) If the designated authority is required to serve a copy of a support variation application and a notice on the respondent under subsection 27(1) of the Act, the documents may be served by regular mail addressed to the respondent's last known address or in accordance with an order for service made by the Nunavut Court of Justice.

(2) The respondent must complete any forms served with the notice and provide the completed forms and any other information or documents requested by the designated authority in the notice to the Nunavut Court of Justice at the place and time set out in the notice.

**17.** A respondent who has been served with a support variation application under section 27 of the Act shall, until the conclusion of the hearings on the matter, provide the designated authority with an address for service and shall inform the designated authority immediately of any change in the address for service.

**18.** The prescribed manners for forwarding to the respondent under subsection 31(2) of the Act a copy of a support order that was made by the Nunavut Court of Justice in the absence of the respondent are:

- (a) by regular or registered mail addressed to the applicant's last known address; or
- (b) by fax or email if the designated authority considers either of those means appropriate.

**19.** (1) In order to convert an amount of support into Canadian currency under section 38 of the Act, the Clerk of the Nunavut Court of Justice must convert the amount into an amount expressed in Canadian currency by obtaining from a bank the rate of exchange applicable on one of the following days and applying that rate of exchange to the amount in the order:

- (a) the day the order was made;
- (b) if a rate of exchange is not available for the day referred to in paragraph (a), the day the order was registered for enforcement with the Maintenance Enforcement Administrator.

(2) Notwithstanding subsection (1), if the designated authority receives a payment in foreign currency that is equal to the amount of support expressed in foreign currency on the support order or application, the designated authority may accept the payment.