

If you Leave... Your Guide to Financial Support Options

If you are thinking about leaving an abusive relationship but are worried about supporting yourself financially, this guide will explain financial support options that may be available to you. It includes information on government-funded emergency supports and how to make an application for child or spousal/partner support, or both.

It is a good idea to make financial planning part of your safety planning process. Document your income and expenses if you were to leave your relationship. Calculate how much money you would need every month to support yourself and your children, and determine if you would need to apply for financial support from one of the options discussed in this guide. If you leave your relationship and need to apply for financial support, you will find it helpful to have copies and records of your expenses. For more information on safety planning, visit alberta.ca/family-violence-get-help.aspx call the Family Violence Information Line at 310.1818, or contact your local family violence information centre.

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Alberta Supports for Albertans Fleeing Abuse

This provincial government program is available 24 hours a day, 7 days a week to Albertans fleeing abusive relationships. To be eligible for support, you must meet certain financial criteria.

The program provides some of the following services, depending on eligibility and need:

- emergency transportation to a women’s shelter or, if all shelters are full, to a hotel or motel
- emergency items like prescription drugs, glasses, hearing aids, and other medical essentials, as well as emergency child care
- a small allowance to cover expenses not covered by a shelter and a small monthly benefit to help set up a new household
- relocation costs if you need to move out of your community to escape the threat of violence
- up to \$1,000 towards setting up a new home
- money to cover the cost of a damage deposit for a rental property
- funding to cover the costs of utilities and transportation, including telephone bills
- financial help towards basic needs like food, clothing, and shelter
- employment counselling and training services
- help to obtain child support from the other parent, if it doesn’t endanger the safety of you or your children
- supplementary health care coverage for you and your children, including extended health care coverage for your children

For more information about the program and eligibility criteria, call 1.877.644.9992 weekdays from 7:30am to 8pm or 1.866.644.5135 weekends, holidays and after hours, or visit alberta.ca/family-violence-costs-leave.aspx

Victims of Crime Financial Benefits Program

The Victims of Crime Financial Benefits Program provides financial assistance to anyone who has experienced physical or psychological injuries as a direct result of a crime like domestic violence. The amount you may be eligible to receive depends on the extent of your physical and psychological injuries – it can range from \$500 to \$110,000.

Here's what you need to know about applying to the program:

- You don't need to wait for criminal charges to be laid or for the offender to be convicted in order to apply.
- You must have reported the incident to the police within a reasonable time and co-operated in any investigation.
- You have two years after the date of the incident to apply.
- The injuries you suffered must be verified by a medical doctor or counsellor.
- You need to complete the **Injury/Witness Benefit Application** form – available online: alberta.ca/help-for-victims-of-crime.aspx

For more information about the program or how to apply, call the Family Violence Info Line at 310.1818 or visit alberta.ca/help-for-victims-of-crime.aspx

Criminal Restitution

If you experienced domestic violence and decided to press criminal charges, you may be able to ask for restitution if your spouse or partner is convicted of the charges. Restitution is a court order that requires the person convicted of a crime to pay for any financial losses suffered by the victim that were directly related to the crime. These can include:

- costs related to damage, destruction, or loss of property
- costs related to bodily or psychological harm
- expenses that resulted from having to move out of the offender's home

It is important to submit your request for restitution as soon as possible after criminal charges are laid. The application form and further information is available online at alberta.ca/help-for-victims-of-crime.aspx. If you are eligible for restitution, judges are legally required to consider your request and must provide you with a reason if they choose not to grant your request.

Child Support and Spousal / Partner Support

If you have left an abusive relationship, you may want to consider making a court application for child support (if you have children) or spousal/partner support, or both. Courts can issue **interim** financial support orders, which are temporary orders that last for a short period of time. Interim orders are often issued in more urgent circumstances until a full court hearing can be held.



It is a good idea to seek legal assistance to help you apply for child or spousal/partner support, or both. You can find a family law lawyer in your area by calling the Lawyer Referral Service at 1.800.661.1095. If you are unable to afford a lawyer, call Legal Aid Alberta at 1.866.845.3425 to see if you're eligible for their services or contact your local community or student legal clinic (see the last page of this booklet for more information).

If you plan to file an application for financial support without legal assistance, your first step should be to contact the Government of Alberta's **Resolution and Court Administration Services** at 1.855.738.4747 or visit alberta.ca/rcas.aspx. They can direct you to the right court forms, help you with financial support calculations, and answer any questions you may have about court procedures.

On the following pages, you will find answers to some of the most commonly asked questions about child support and spousal/partner support applications.

Am I eligible for child or spousal/partner support?

Child Support

If your children are in your care at least 40% of the time, you are entitled to child support from the other parent even if you weren't married.

Spousal / Partner Support

If you were married or in an adult interdependent relationship (a type of common-law relationship), you may be eligible for spousal or partner support for any missed opportunities or economic disadvantage that results from the breakdown of your relationship.

Courts will consider the length of your relationship, the roles that you and your ex-partner or spouse played during the relationship, and any order or agreement you may have entered into regarding financial support. If you have experienced domestic violence, there is a possibility it may be considered if you apply for financial support under the *Family Law Act* but it will not be considered if you apply under the *Divorce Act*.



Not sure if you're in an adult interdependent relationship? Visit Canadian Legal FAQs for more information at www.law-faqs.org/alberta-faqs/family-law/adult-interdependent-relationships

How do I apply for child or spousal/partner support?

First, seek legal advice if you are able to do so. At minimum, contact the Government of Alberta's Resolution and Court Administration Services at 1.855.738.4747 or visit alberta.ca/rcas.aspx for help getting started.

If you were married, you can apply for financial support under the *Divorce Act* or the *Family Law Act*. If you were not married, you can only apply under the *Family Law Act*.

To make an application under the *Divorce Act* in Court of Queen's Bench:

1. Fill out and file a **Statement of Claim for Divorce** (Form FL-1) or a **Statement of Claim for Divorce and Division of Family Property** (Form FL-3).
2. Once the Statement of Claim is filed, you have to fill out and file a **Family Application** (Form FL-18), which is where you can request child or spousal support, or both. You can request both in the same Application.
3. Write an **Affidavit** (Form 49) that details why you are seeking financial support. You should include information about your financial situation along with your financial records to support the information you provide, such as pay stubs, medical bills, rent receipts, children's school expenses, etc. You will need to swear that all information included in your affidavit is true.
4. Fill out a **Notice to Disclose/Application** (Form FL-17) that requests your spouse or partner provide you with their financial information. You are also required to disclose your financial information. If you are making a claim for child support, check off all of the items listed on the form. If you are making a claim for spousal support only, check off all of the items listed, except for item number 9, which is only relevant for child support purposes. If you are making a claim for both child support and spousal support, check off all of the items listed.
5. If you are requesting child support, you also need to fill out a **Disclosure Statement** form. If your income is relevant to your application for child support, then you must submit your financial information with the Statement. Your income is relevant if you are asking for extraordinary expenses (to cover the costs of health care, education, etc.), you share parenting time or decision-making responsibility of your children, or you are the one paying child support.
6. You will need to serve the court documents on your spouse. You can hire a third party to give your court documents to your spouse, which is a good idea if you've experienced domestic violence. For more information, see our resource **Serving Documents on an Abusive Party**, available at www.cplea.ca/publications or www.willownet.ca



All court forms listed above can be found online at albertacourts.ca/qb/areas-of-law/family/family-law-forms

To make an application under the *Family Law Act* in Provincial Court:

1. Fill out and file a **Claim - Family Law Act** (Form FL-10) for child support or partner/spousal support or both with the Provincial Court.

2. Write an **Affidavit** (Form 49) or fill out a **Statement** (Form FL-45 Child Support, Form FL-48 Spousal/Partner Support). A Statement is similar to an affidavit – it contains your written evidence and facts supporting your application for financial support. Statements are designed to help you structure and focus your evidence. You can choose to write an affidavit instead of a statement, if you prefer.
3. Fill out a **Request for Financial Information** (Form CTS3511) that requests your partner or spouse provide you with their financial information. You are also required to disclose your financial information. If you are making a claim for child support, check off all of the items listed on the form. If you are making a claim for partner/spousal support only, check off all of the items listed, except for item number 12, which is only relevant for child support purposes. If you are making a claim for both child support and partner/spousal support, check off all of the items listed.
4. You will need to serve the court documents on your spouse/partner. In Alberta, you must use a third party - such as a process server, friend or family member - to serve certain court documents. Hiring a third party is also a good idea if you've experienced domestic violence. For more information, see our resource **Serving Documents on an Abusive Party**, available at www.cplea.ca/publications or www.willownet.ca



All court forms listed above can be found online at albertacourts.ca/pc/areas-of-law/family/forms-and-publications

Resources to help you make an application

If you need help understanding family court forms:

- Contact the Government of Alberta's **Resolution and Court Administration Services** at 1.855.738.4747 or visit alberta.ca/rcas.aspx
- Read **Making a Court Application in the Court of Queen's Bench** booklet at <https://www.alberta.ca/assets/documents/rcas-making-an-application-in-court-of-queen-39-s-bench-with-an-application-form.pdf>
- Read our publications **Writing an Affidavit** and **Resolving Family Law Disputes**, available for free at www.cplea.ca/publications

How long will it take for my application to be heard in court?

This depends on many things including the availability of court dates at your local courthouse and the complexity of your application.

How much does it cost to file an application for financial support?

If you are filing an application under the *Divorce Act* in the Court of Queen's Bench, here are the costs:

- Statement of Claim for Divorce (Form FL-1) or a Statement of Claim for Divorce and Division of Family Property (Form FL-3): \$260
- Family Application (Form FL-18): \$50

If you are filing an application under the *Family Law Act* in Court of Queen's Bench or Provincial Court, here are the costs:

- Claim - Family Law Act (Form FL-10): \$50

Please note that fees can change on an annual basis. Visit alberta.ca/court-fees.aspx or consult your local courthouse to verify current fees.

If you cannot afford to pay court filing fees, you can apply for a waiver of court fees if you meet certain eligibility criteria. For help applying for a waiver, contact your local legal clinic or Resolution and Court Administration Services or visit alberta.ca/waive-filing-fee.aspx

What information do I need to include in my application for financial support?

In your application, you will need to include an affidavit or statement. Make sure to include the following information in it:

- Your current income information, including your Notice of Assessment from the Canada Revenue Agency and at least three of your most recent pay stubs
- Your spouse or partner's income information, including their Notice of Assessment from the Canada Revenue Agency and at least three of their most recent pay stubs
 - This information should have been provided to you if you filled out a Notice to Disclose or Request for Financial Information form. If you have not received information from your spouse or partner, but have some knowledge of their current income, include this information in your affidavit or statement.
 - If you think your spouse or partner has more income than what they are reporting, you should consult a lawyer.
- Your budget for monthly expenses, including your children's expenses. A **Budget of Expenses** (CTS3510) form is available on the Alberta Courts website: albertacourts.ca/qb/areas-of-law/family/family-law-forms

- Information about the roles you and your spouse/partner played in the relationship. Be sure to note if you stayed home to look after your children and the family home while your spouse or partner worked.
- Information about any financial hardship you experienced as a result of your relationship breakdown. For example, if you were a teacher but stayed at home for years to look after your children, you may have difficulty finding a full-time teaching position and may need to return to school to upgrade your skills in order to find work.

How much child support will I be eligible for?

This depends on your circumstances.

For child support, the **Federal Child Support Guidelines** and **Alberta Child Support Guidelines** outline how much you may receive in base child support – support that will cover the basic necessities. You can use the federal child support calculation tool to estimate how much base support you may receive: www.justice.gc.ca/eng/fl-df/child-enfant/look-rech.asp . Resolution and Court Administration Services can also assist you with child support calculations.

You can also ask for child support to cover extraordinary expenses related to health care, child care, education or extra-curricular activities. In your affidavit or statement, you should include an explanation and proof of payment for any extraordinary expenses you are requesting compensation for. The extraordinary expenses you're seeking support for must be reasonable based on your family's circumstances.

For more information on child support, read **Families & the Law: Financial Support**, available for free at www.cplea.ca/publications

How much spousal/partner support will I be eligible for?

This depends on your circumstances.

Judges will consider the income of the paying partner and the financial need of the partner who requires support. Courts use the **Spousal Support Advisory Guidelines** www.justice.gc.ca/eng/fl-df/spousal-epoux/ssag-ldfpae.html as a starting point when calculating support, but they can move away from these guidelines. The Guidelines provide suggestions about the amount and length of time for partner support. There is one formula used if child support also needs to be paid and one formula if you never had children or your children are now financially independent.

For more information on spousal/partner including factors that courts will consider in deciding on support, read **Families & the Law: Financial Support**, available for free at www.cplea.ca/publications

Will I have to see my abusive spouse or partner to get financial support?

After you make your application for financial support, it will have to be given to your abusive spouse or partner. However, you can arrange for a third party service (called a “process server”) to do this for you. For more information, see our resource **Serving Documents on an Abusive Party**, available at www.cplea.ca/publications or www.willownet.ca



If you are making an application for child support in the Court of Queen’s Bench in Calgary or Edmonton, you may be required to go through the **Dispute Resolution Officer Program** (Calgary) or **Child Support Resolution Program** (Edmonton). It is important to let staff at these programs know as soon as possible that you experienced domestic violence. These programs use a process called mediation that would require you and your abusive spouse or partner to meet with a resolution officer to try and work out an agreement. However, mediation is not recommended for anyone who has experienced domestic violence, so it is important to disclose any history of domestic violence to program staff right away.

On the day of your court hearing, it is likely that your abusive spouse or partner will be present in the courtroom to present their side of the story. It is a good idea to bring a trusted friend or family member for support. Be prepared to hear a version of events that you may not agree with during the court hearing. Do not interrupt, make faces or roll your eyes. Try not to be confrontational or sarcastic. Remain seated while the other side is speaking. You may have a chance to talk to the judge again to challenge the evidence that you disagree with.

If you have hired a lawyer to represent you, then you will not be required to have any direct contact with your abusive spouse or partner. Your lawyer will speak to the court and your abusive spouse or partner on your behalf.

For more information on how to prepare for court, see our information sheet **Preparing for Court**, available at www.cplea.ca/publications or www.willownet.ca

Help & Further Information

- **Legal Aid Alberta** may be able to provide you with legal representation if you meet financial eligibility guidelines. Call 1.866.845.3425.
- Government of Alberta’s **Resolution and Court Administration Services** can help you get started with your financial support application. Call 1.855.738.4747 or visit alberta.ca/rcas.aspx
- **Family Law Court forms** are available online: albertacourts.ca/qb/areas-of-law/family/family-law-forms

- **Making a Court Application in the Court of Queen’s Bench** booklet: <https://www.alberta.ca/assets/documents/rcas-making-an-application-in-court-of-queen-39-s-bench-with-an-application-form.pdf>
- **Child Support Table Look-Up:** www.justice.gc.ca/eng/fl-df/child-enfant/look-rech.asp
- **Spousal Support Advisory Guidelines:** www.justice.gc.ca/eng/fl-df/spousal-epoux/ssag-ldfpae.html
- Download our free booklets, **Financial Support** and **Resolving Family Law Disputes**, which includes comprehensive information on child support and spousal/partner support, and information on how to draft financial support affidavits. Visit www.cplea.ca/publications under Family Law.
- Your local **community or student legal clinic** may be able to help you fill out financial support court forms or assist you in getting court filing fees waived. See list of locations below.

Calgary Legal Guidance

Phone: 403.234.9266

Website: <http://clg.ab.ca>

Student Legal Assistance (Calgary)

Phone: 403.220.6637

Website: <http://slacalgary.ca>

Central Alberta Community Legal Clinic

Website: www.communitylegalclinic.net

Central Alberta (Red Deer and surrounding areas): 403.314.9129

Fort McMurray: 587.674.2282

Lloydminster: 587.789.0727

Medicine Hat: 403.712.1021

Edmonton Community Legal Centre

Phone: 780.702.1725

Website: www.eclc.ca

Student Legal Services (Edmonton)

Phone: 780.492.8244

Website: www.slsedmonton.com

Grande Prairie Legal Guidance

Phone: 780.882.0036

Website: www.gplg.ca

Lethbridge Legal Guidance

Phone: 403.380.6338

Website: www.lethbridgelegalguidance.ca



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Funding provided by

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