**COURT OF KING'S BENCH FOR SASKATCHEWAN**

# FAMILY PRACTICE DIRECTIVE #8

## PROCEDURE FOR APPLYING PURSUANT TO THE *FAMILY ORDERS AND AGREEMENTS ENFORCEMENT ASSISTANCE ACT*

**REFERENCE:  FAM-PD #8**

**Effective:** January 1, 2026

1.  This Practice Directive describes the process by which applications may be made pursuant to the *Family Orders and Agreements Enforcement Assistance Act* [*FOAEAA*].

2.  Pursuant to section 7 of the *FOAEAA*, any person, body or service that is seeking:

    a)   to have a support provision established or varied;

    b)   or that is entitled to have a family provision enforced may,

    on application, request that a court authorize an official of the court to make an application to the federal Minister of Justice [Minister] for release of information.

3.  An application may only be made pursuant to this Practice Directive if a document commencing a family law proceeding, as defined in Rule 15-1 of *The King's Bench Rules*, has been filed.

**Notice**

4.  Applications under section 7 of the *FOAEAA* must be made by application with notice in the appropriate form prescribed by this Practice Directive.

5.  Notwithstanding paragraph 4, the application may be made without notice (or *ex parte*), if:

    a)  In the case of an application to establish or vary a support provision, reasonable steps have been taken to locate the person in respect of on whom the applicant is seeking to have a support provision established or varied and that person has not been located; or

    b)   In the case of an application to enforce a family provision, reasonable steps

have been taken to locate the person, child or children referred to in the application and that the person, child or children has or have not been located.

6.   In accordance with section 12.1 of the *FOAEAA*, unless the Court orders otherwise, the Minister will provide the party impacted by the order with a copy of the order that authorized the court official to make the application to the Minister and a notice informing them that the information will be released.

**Application for release of Information in relation to an Application to Establish or Vary a Support Provision**

7.   An application for release of information pursuant to section 7 of the *FOAEAA* that is made in relation to an application to establish or vary support, must be made in the attached Form A and be accompanied by:

a)   An affidavit that complies with section 8 of the *FOAEAA* and paragraphs 8 to 10 of this Practice Directive;

b)   Proof of service on the person on whom the applicant is seeking to have a support provision established or varied, unless the application is made without notice;

c)   A draft order prepared in the attached Form B, authorizing a court official to apply to the Minister for release of information sought in the application and adjourning the request to disclose the information for the purpose of establishing or varying a support provision; and

d)   A draft order ordering the disclosure of the information received in the attached Form C.

8.   The affidavit filed in support of an application for release of information made in relation to an application to establish or vary a support provision must set out the reasons for making the application and, in the case of an application to vary a support provision, attach as an exhibit a copy of the order containing the provision that is sought to be varied.

9.   If the application for release of information in relation to an application to establish or vary a support provision is made without notice, the affidavit filed in support of the application must also:

a)   State that reasonable steps have been taken to locate the person in respect of on whom the applicant is seeking to have a support provision established or varied and that the person has not been located; and

b)   Set out the particulars of those reasonable steps.

10. If the application is made without notice by an individual, the affidavit of the applicant must also exhibit a copy of the results of a recent criminal record check in respect of the applicant and:

   a) State the sole purpose of the application is to obtain information for the establishment or variation of a support provision;

   b) State whether or not there is a court order, agreement, undertaking or recognizance or any other document that is of a similar nature that restricts the applicant's communication or contact with the person in respect of on whom the applicant is seeking to have a support provision established or varied, or the child or children that is, or may be the subject of the support provision, or if there is a proceeding respecting such a restriction;

   c) State whether or not the applicant has caused or has attempted to cause physical harm to the person, child or children or has caused them to fear for their safety or security or that of another person; and

   d) State whether or not the applicant has been charged with or found guilty of an offence against the person, child or children.

**Application to Release Information in relation to an Application to Enforce a Family Provision**

11. An application for release of information pursuant to section 7 of the *FOAEAA*, that is made in relation to an application for enforcement of a family provision must be made in the attached Form D and be accompanied by:

   a) An affidavit that complies with section 9 of the *FOAEAA* and paragraphs 12 to 14 of this Practice Directive;

   b) Proof of service on the person whom the applicant is seeking to have the family provision enforced against, unless the application is made without notice;

   c) A draft order in the attached Form E authorizing a court official to apply to the Minister for release of information sought in the application and adjourning the request to disclose the information for the enforcing of a family provision; and

   d) A draft order ordering the disclosure of the information received in the attached Form F.

12. The affidavit filed in support of an application to release information in relation to an application to enforce a family provision must:

a) Attach as an exhibit a copy of the order containing the provision that is sought to be enforced;

b) Set out the reasons for the making of the application;

c) Allege a breach of a family provision within the order; and

d) Set out particulars of the breach and identify the person who:

    i. If the family provision is a support provision, is in arrears; or

    ii. If the family provision is a parenting provision, contact provision, custody provision or access provision, is believed to have with them the child or children who is or are the subject of the provision.

13. If the application to enforce a family provision is made without notice, the affidavit filed in support of the application must also:

a) State that reasonable steps have been taken to locate the person, child or children referred to in the order sought to be enforced; and

b) Set out the particulars of those reasonable steps.

14. If the application is made without notice by an individual, the affidavit must also exhibit a copy of the results of a recent criminal record check in respect of the applicant, and:

a) State the sole purpose of the application is to obtain information to enforce a family provision;

b) State whether or not there is a court order, agreement, undertaking or recognizance or any other document that is of a similar nature that restricts the applicant's communication or contact with the person, child or children referred to in the order, or if there is a proceeding respecting such restriction;

c) State whether or not the applicant has caused or has attempted to cause physical harm to the person, child or children or has caused them to fear for their safety or security or that of another person; and

d) State whether or not the applicant has been charged with or found guilty of an offence against the person, child or children.

**Court Administration**

15. When the Court receives an application pursuant to this Practice Directive, the Court may make an order under section 10 of the *FOAEAA* authorizing an official to make an application for the release of information to the Minister pursuant to

section 12 of the *FOAEAA*, if it is satisfied that:

a)  The sole purpose of the application is to obtain information to establish or vary a support provision or to enforce a family provision;

b)  The order is not likely to jeopardize the safety and security of any person; and

c)  In the case of an application without notice, that reasonable steps have been taken to locate the person(s) and the person(s) was/were not located.

16. An order issued pursuant to paragraph 15 of this Practice Directive may be in Form B or Form E, as the case may be, or in any other form the Court orders.

17. If the Court makes an order authorizing an official to make an application for the release of information to the Minister, a person designated as a court official under *The Court Officials Act, 2012,* SS 2012, c C-43.101, will make an application to the *FOAEAA* unit in a form approved by the Minister.

18. Where the Court makes an order authorizing a court official to apply to the Minister for the requested information, the portion of the application requesting the release of the information received by the Court is adjourned pending receipt of the information.

19. Upon application and receipt of the information from the *FOAEAA* unit, the court official will seal the information and provide the information to the judge, who may make an order in Form C or Form F, modified as necessary, that:

a)  The information received be disclosed to the applicant without conditions;

b)  The information received be disclosed to the party's lawyer or another third party on the basis that the information be kept confidential or make any other order as required;

c)  Part of the information received will be disclosed; or

d)  The information received will not be disclosed to the applicant.

20. If information is received from the *FOAEAA* unit pursuant to an application by a court official, the Court may make any other order to protect the confidentiality of the information.

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Chief Justice M.D. Popescul
Court of King's Bench for Saskatchewan

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