ONTARIO

Court File Number

[SEAL] ..... *(Name of court)*

Form 15: Motion to Change

at ..... *(Court office address)*

Applicant(s)

Full legal name:	
Address:	
Phone & fax:	
Email:	

Applicant(s) Lawyer

Name:	
Address:	
Phone & fax:	
Email:	

Respondent(s)

Full legal name:	
Address:	
Phone & fax:	
Email:	

Respondent(s) Lawyer

Name:	
Address:	
Phone & fax:	
Email:	

Assignee of Support Order (if applicable)

Full legal name:	
Address:	
Phone & fax:	
Email:	

Assignee's Lawyer

Name:	
Address:	
Phone & fax:	
Email:	

TO: *(name(s) of responding party(ies))* .....

(Name of requesting party) ..... has brought a motion to change

☐ the final order of Justice ..... , dated ..... .

☐ the agreement ..... , dated ..... .

☐ the order/agreement recalculated by the online Child Support Service on ..... .

☐ **THE FIRST COURT DATE IS** ..... , at ..... ☐ a.m. ☐ p.m.

or as soon as possible after that time, at *(court address)*

☐ **NO COURT DATE HAS BEEN SET FOR THIS CASE.** You or another party should schedule a case conference with the court clerk and serve a Conference Notice (Form 17) on all the other parties in this case.

YOU MUST RESPOND to this Motion to Change within 30 days (or 60 days if you were served outside Canada or the United States). **IF YOU DO NOT RESPOND**, this case will go ahead without you and the court may make orders against you.

..... _____

Date of issue by the clerk of the court *Clerk of the court*

PART A – BASIC INFORMATION

1. Date parties started living together (*write "N/A" if not applicable*): .....

2. Date parties married (*write "N/A" if not applicable*): .....

3. Date parties separated (*write "N/A" if not applicable*): .....

4. Requesting party's birth date: .....

5. Responding party's birth date: .....

6. Municipality requesting party lives in: .....

7. Municipality responding party lives in: .....

8. Information about the child(ren):
(List all children involved in this case, even if you are not requesting support for them.)

Child's full legal name	**Birthdate** *(d, m, y)*	**Lives in** *(municipality & province)*	**Now living with** *(name of person and relationship to child)*	**Is change of support being requested?** *(YES or NO)*

9. If you are asking to change support, please give information about your income (unless you're only asking to change the table amount of support) and the other party's income (if known) for the past 3 years *(a party's income should be their total income from all sources as listed on line 150 of their Income Tax Return)*:

Year	**Requesting party's income**	**Income source(s)** *(for example, employer, self-employment, social assistance, etc.)*	**Responding party's income**	**Income source(s)** *(for example, employer, self-employment, social assistance, etc.)*
	$		$	
	$		$	
	$		$	

PART B – CHANGES THAT THE REQUESTING PARTY WANTS TO MAKE

10. I want to change the following (*check all that apply*):

- ☐ decision-making responsibility
- ☐ child support – table amount
- ☐ child support – special or extraordinary expenses *(list type of expenses)*:
- ☐ parenting time
- ☐ spousal support
- ☐ contact
- ☐ other (*give details*):

11. I want to change the following specific terms of the current order/agreement (*please provide the paragraph number of each term and the wording of the term exactly as it appears in the order/agreement*):

a. Current term: .....

Requested change: .....

b. Current term: .....

Requested change: .....

c. Current term: .....

Requested change: .....

d. Current term: .....

Requested change: .....

e. Current term: .....

Requested change: .....

f. Current term: .....

Requested change: .....

g. Current term: .....

Requested change: .....

REQUESTING PARTY'S CERTIFICATE

(Your lawyer, if you are represented, must complete the Lawyer's Certificate below.)

Sections 7.1 to 7.5 of the *Divorce Act* and section 33.1 of the *Children's Law Reform Act* require you and the other party to:

- Exercise your decision-making responsibility, parenting time, or contact with a child in a manner that is consistent with the child's best interests;
- Protect the child from conflict arising from this case, to the best of your ability;
- Try to resolve your family law issues by using out-of-court dispute resolution options, if it is appropriate in your case (*for more information on dispute resolution options available to you, including court-connected mediation, you can visit the Ministry of the Attorney General's website or www.stepstojustice.ca*);
- Provide complete, accurate, and up-to-date information in this case; and
- Comply with any orders made in this case.

I certify that I am aware of these duties under the *Divorce Act* and the *Children's Law Reform Act*.

Date of signature *Requesting party's signature*

LAWYER'S CERTIFICATE

My name is: .....

and I am the requesting party's lawyer in this case. I certify that I have complied with the requirements of section 7.7 of the *Divorce Act* and section 33.2 of the *Children's Law Reform Act* regarding reconciliation and the duty to discuss and inform.

Date *Lawyer's signature*

PART C – WHY THE REQUESTING PARTY WANTS THE CHANGES

Note: The requesting party must either complete the remainder of this form or complete a separate affidavit (Form 14A) to give the important facts that explain why the court should change the current order/agreement.

I swear/affirm that the following is true:

12. Are you and the responding party following the current order/agreement?

☐ Yes. ☐ No. (*Give details in the box below.*)

13. Briefly give the facts that show why the court should change the order/agreement, including how your situation has changed since the order/agreement was made:

PART D – ADDITIONAL INFORMATION FOR SUPPORT CASES ONLY

Note: The requesting party must complete this Part only if asking to change child support or spousal support.

14. Is support owed under the current order/agreement? ☐ Yes. ☐ No.

15. If yes, please give details about the support that is owed:

Child support owed to recipient	Child support owed to any assignee(s)	Spousal support owed to recipient	Spousal support owed to any assignee(s)
$	$	$	$

16. When do you want the change in support to start? *(check one)*

☐ Today

☐ Before today *(give exact date: d, m, y)* .....

17. If you are asking to change support starting on a date before today, please answer the following:

a. What date did you first ask the responding party for updated income information or to change support?

.....

b. Did the responding party do anything to make it difficult for you to know if support should change?

☐ No. ☐ Yes. (*Give details in the box below.*)

c. Why didn't you ask the court to change support sooner?

d. What are your circumstances and the child's circumstances that support this request?

Sworn/Affirmed before me at .....
municipality

in .....
province, state or country

on .....
date

Commissioner for taking affidavits
(Type or print name below if signature is illegible.)

Signature

(This form is to be signed in front of a lawyer, justice of the peace, notary public or commissioner for taking affidavits.)

YOU SHOULD GET LEGAL ADVICE RIGHT AWAY. For help finding legal advice, you can contact:

- The Law Society of Ontario's Referral Service at www.lsrs.info. If you are unable to use this online service, you can call 416-947-5255 or toll-free at 1-855-947-5255.
- The Law Society of Ontario's list of lawyers at www.lawyerandparalegal.directory.
- Legal Aid Ontario at www.legalaid.on.ca or 1-800-668-8258 (subject to your eligibility).

IF THIS CASE HAS NOT BEEN SCHEDULED FOR A TRIAL AFTER 365 DAYS, the court clerk will send a warning that the case will be dismissed in 60 days unless a party asks to schedule a conference or files proof that the case has been settled.

IMPORTANT INFORMATION FOR THE REQUESTING PARTY (THE PARTY BRINGING THIS MOTION)

YOU MUST attach the following to this form:

A copy of either:

- ☐ the **final court order** you want to change, **or**
- ☐ the **agreement** that you want to change. *(You can only use this form to change support terms in an agreement that has been filed at the Ontario Court of Justice or the Family Court of the Superior Court of Justice.)*

☐ A copy of any Notice of Recalculation from the online Child Support Service.

☐ If you are asking to change your parenting or contact arrangement, a completed **Affidavit (decision-making responsibility, parenting time, contact) (Form 35.1)**.

☐ If you are asking to change child support or spousal support:

- ☐ A completed **Financial Statement (Form 13)** (including specific financial documents). You do not need this form if you are the person receiving support and you are only asking for the table child support amount.
- ☐ A **Confirmation of Assignment form**. You can find this form at the court office or online at www.forms.ssb.gov.on.ca. If your support payments are assigned to a social service agency, you must serve all your completed court-issued motion to change documents on the agency. The agency must agree to any changes to your support (even if you and the responding party agree).
- ☐ A **current schedule of arrears from the Family Responsibility Office (FRO)**, if your case is registered with FRO. You can find this form online at https://www.ontario.ca/page/paying-and-receiving-child-and-spousal-support#section-4.

YOU MUST file all your completed documents with the court so a court clerk can sign and date this Motion to Change. You can file documents in person at a courthouse or online by visiting www.Ontario.ca/familyclaims. **YOU MUST then**:

☐ **Get someone other than you** (who is at least 18 years old) **to serve a copy of all your completed court-issued documents**, along with blank copies of a Response to Motion to Change (Form 15B) and Consent Motion to Change (Form 15C).

☐ **Complete and file an Affidavit of Service (Form 6B) with the court**.

IMPORTANT INFORMATION FOR THE RESPONDING PARTY

IF YOU AGREE WITH THE CHANGES that the other party wants to make, you must complete the applicable parts of the Consent Motion to Change (Form 15C), give the original version to the other party, and give a copy to any assignee. The other party may then finish completing the form and file it with the court.

IF YOU DON'T AGREE WITH THE CHANGES, or you want to ask for different changes, you must:

☐ **Complete** the following forms:

- ☐ **Response to Motion to Change (Form 15B)**.
- ☐ An **Affidavit (decision-making responsibility, parenting time, contact) (Form 35.1)** if you or the other party is asking to change your parenting or contact arrangement.
- ☐ A **Financial Statement (Form 13)** if you or the other party is asking to change any child support or spousal support that you pay.

☐ **Serve** a copy of all your completed forms on the other party.

☐ Complete an **Affidavit of Service (Form 6B)**.

☐ **File** all your completed forms and the Affidavit of Service with the court.