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Family Law



Consent Orders

Family Law Self-Help Guide

Government of Yukon legal information resources

Family Law Information Centre
867-456-6721
1-800-661-0408 ext. 6721 (toll-free)
yukon.ca/en/family-law-information-centre

Supreme Court Registry
867-667-5937
1-800-661-0408 ext. 5937 (toll-free)

Law Library
867-667-3086
1-800-661-0408 ext. 3086 (toll-free)

Maintenance Enforcement Program (Information Line)
867-667-5437
1-877-617-5347 ext. 5437 (toll-free)
yukon.ca/en/legal-and-social-supports/family-law/find-out-about-maintenance-enforcement-program

Sheriff's Office
867-667-5451
1-800-661-0408 ext. 5451 (toll-free)

Victim Services
867-667-8500
1-800-661-0408 ext. 8500 (toll-free)

Non-Government legal information resources

The Law Line (Yukon Public Legal Education Association – YPLEA)
867-668-5297
1-866-667-4305 (toll-free)
yplea.com

Legal Aid (Yukon Legal Services Society – YLSS)
867-667-5210
1-800-661-0408 ext. 5210 (toll-free)
yukonlegalaid.ca

Lawyer Referral Service (Law Society of Yukon)
867-668-4231
lawsocietyyukon.com

Women's Legal Advocate (Skookum Jim Friendship Centre)
867-633-7680 ext. 1009

Family support services

Victoria Faulkner Women's Centre
867-667-2693 ext. 101
vfwomenscentre.com

Kids Help Line
1-800-668-6868
kidshelpphone.ca

Child, Youth and Family Treatment Team (CYFTT)
1-800-456-3838
yukon.ca/en/health-and-wellness/mental-wellness/get-counselling-and-support-families-youth-and-children

Submitting a Consent Order: step-by-step

- Step 1** Research the laws and rules that apply to your application
- Step 2** Prepare and complete forms
- Step 3** Make copies of all your forms and documents
- Step 4** Have your Affidavit notarized
- Step 5** File your forms with the Supreme Court
- Step 6** Receive judge's approval or follow judge's instructions

i Important: This guide has been produced by the Yukon Department of Justice with financial assistance from Justice Canada. It is intended to be used as a guide only and is not a comprehensive legal resource.

The information provided does not replace a lawyer's advice and cannot teach you everything you need to know. Even if you decide to proceed without a lawyer, you should consult a lawyer for interpretation of the law that applies to your case and for other legal advice. Contact Legal Aid to see if you are eligible at 867-667-5210, or contact the Law Society of Yukon at 867-668-4231, to obtain a list of family lawyers.



■ Consent Orders

This guide is provided for people living in the Yukon who are working to resolve a family law issue covered under the *Family Property and Support Act*, the *Children's Law Act* or the *Divorce Act* (Canada), such as divorce, spousal support and Child Support, custody and access.

The *Divorce Act* (Canada) was amended significantly, and those changes came into force on March 1, 2021. This legislation replaces the term custody with 'decision making responsibility', and access with 'parenting arrangements'. This document will use the terms custody and access, which continue to be used in territorial legislation. When completing court forms, it is important to use the proper terminology based on the legislation that your application is relying on.

This guide provides basic information on Consent Orders and step-by-step instructions for filing a Consent Order with Supreme Court of Yukon in a family law matter.

Other publications produced by the Yukon Department of Justice provide more information on family law that can help you understand your legal issue and court procedures. Additional tools, information and publications on family law and Child Support can be found on the Family Law Information Centre website at yukon.ca/en/family-law-information-centre.

It is highly recommended that you seek legal advice when preparing and submitting a Consent Order. No one should sign a Consent Order without legal counsel in a situation where violence or another form of power imbalance is a factor. Contact Legal Aid to see if you are eligible at (867) 667-5210, or contact the Law Society of Yukon at (867) 668-4231, to obtain a list of family lawyers.

Basic information on Consent Orders

A court order is a decision by a judge that the people named in it must follow. A Consent Order is a court order, but the terms are decided by and voluntarily agreed to by the parties involved and approved by a judge. You do not have to go to court for a hearing if you and the other party can come to an agreement and sign a Consent Order.

If at any step in your family law proceeding you and the other party come to an agreement, you can apply for a Consent Order. Either party can submit a Consent Order for filing.

Working it out

Not everyone goes to court to work out the details of a divorce or separation. It is possible to resolve the legal issues of custody, access, Child Support, spousal support and division of property and debt without ever going to court or even making an application to court. Once you and the other party have reached an agreement, you can file a Consent Order with the court.

Alternative dispute resolution methods can help you to come to an agreement on your family law issues. For more information, read the fact sheet titled *Alternatives to Court (Family Law)* published by the Yukon Department of Justice.

The Department of Justice operates the Yukon Family Mediation Service (YFMS), which is a voluntary program that allows parties to resolve conflict and disagreements that affect children, without going to court. For more information, visit yukon.ca/en/family-mediation-service or call (867) 667-5753.

■ Filing a Consent Order: Step-by-Step

Step 1: Research the laws and rules that apply to your family matter

Before you begin, you should research the laws and rules that apply to your situation. Read the other publications produced by the Department of Justice that apply to your family law matter, as well as the Supreme Court of Yukon Rule 63: Divorce and Family Law. (Rules can be found on the Supreme Court of Yukon website at yukoncourts.ca/en/supreme-court/rules-forms). You can also read the *Family Property and Support Act*, the *Children's Law Act*, and the *Divorce Act* (Canada). You should consult a lawyer for interpretation of the law that applies to your case and for other legal advice.

Contact the Family Law Information Centre at 867-456-6721, toll free 1-800-661-0408 ext. 6721, or visit their website at yukon.ca/en/family-law-information-centre for more information. The table below has been provided to help you to complete the form:

Situation	Legislation		
	Canada Divorce Act	Yukon Family Property and Support Act	Yukon Children's Law Act
Divorcing			
Married without children	divorce, spousal support	property	
Married with children	divorce, spousal and Child Support, decision making responsibility, parenting time	property	guardianship
Separating			
Married without children		property, spousal support	
Married with children		property, spousal and Child Support	custody, access, guardianship
Common-law without children		Spousal support	
Common-law with children		spousal and Child Support	custody, access, guardianship

Step 2: Prepare and complete forms

To file a Consent Order, you will need to fill out forms to submit to the court registry with information specific to your case. Supreme Court forms can be found in Microsoft Word format at yukoncourts.ca/en/supreme-court/rules-forms under Supreme Court, Rules and Forms. The staff at the Family Law Information Centre can help you to complete your Supreme Court forms either over the telephone or on one of the workstations at their office. They cannot provide legal advice or tell you what to write in your court forms, but they can provide guidance on the rules for completing the forms and help with using Microsoft Word.

Important: When preparing your documents, remember that family law issues are adult problems. Do not involve your children in drafting Affidavits or reviewing court documents.

Generally, the forms you will need to file when applying for a Consent Order are:

- A. Appearance – Form 9 or Notice of Self-Representation – Form 14
- B. Requisition for Order – Form 3
- C. Affidavit – Form 59
- D. Agreement as to annual income and amount of Child Support – Form 96 (if children are involved)
- E. Consent Order – Form 53

If you are filing a Consent Order in a family law matter that has already been assigned a Supreme Court File Number, continue to record that number on all your forms. If you don't have an existing Supreme Court file, you will have to begin by creating one by filing a **Statement of Claim – Form 91A/91B**.

Completing your forms:

A) Appearance – Form 9 or Notice of Self-Representation – Form 14

Both forms tell the court that you are the person to be contacted for the file (you are the person “on record”). Each party must submit their own Appearance or Notice of Self-Representation form.

Contact the clerk of the Supreme Court at 867-667-5937, toll free 1-800-661-0408 ext. 5937, or the Family Law Information Centre at 867-456-6721 or 1-800-661-0408 ext. 6721 to find out which form to use in your situation.

B) Requisition for Order – Form 3

This form is used to request an order from the court. In the form, you must identify the laws that apply to your situation.

C) Affidavit – Form 59

An Affidavit is the document that states any information that you want the judge to know. In it, you will list facts about yourself, the other party, the children involved, whether or not you were legally married, common-law, or not married, and how long you lived together and where. You will also provide reasons for the Consent Order.

Your Affidavit may include one or more exhibits, which are documents that support the information or claims you are making in your Affidavit. Your Affidavit and all exhibits must be sworn. (See Step 4: Have your Affidavit notarized). Do not sign your document until you are having it sworn before the Notary Public or other qualified person!

The Yukon Department of Justice has published an information sheet titled Preparing an Affidavit (Family Law) to help you complete an Affidavit – Form 59.

D) Agreement as to annual income and amount of Child Support – Form 96

This form requests all of the information required under the Child Support Guidelines. Both parties will sign this form. However, if the amount agreed to by the parties is below the amount defined by the Child Support Guidelines, the judge may require an explanation, and has the authority to order that a different amount be paid.

E) Consent Order – Form 53

Include all the terms that you and the other party agree to in the Consent Order – Form 53. This can include child custody and access arrangements, child and spousal support amounts, and division of property and debt. Both parties will sign this form.

Step 3: Make copies of all your forms and documents

You will need three sets of your forms to submit for filing. The original filed document will always remain on the court file and the two sets of filed copies will be returned to you after the order has been approved. You should keep one set of forms for your own reference. If the judge does not approve the Consent Order, you may need to look at the documents to prepare another Affidavit or to prepare for a hearing or family law case conference.

Step 4: Have your Affidavit notarized

Bring all copies of your documents and proof of identification with you to be sworn by a Notary Public or someone else who is allowed to hear an oath, such as a lawyer, justice of the peace or a commissioner of oaths. Some government staff members are Notaries Public, including those working in the Sheriff’s Office, Court Registry and the Family Law Information Centre.

Step 5: File your forms with the Supreme Court

When you mail or bring your forms to the court registry for filing, the deputy clerk of the Supreme Court will review your forms before accepting them. The clerk will look to see that you have followed the Rules of Court but will not provide advice or comment on the content of your documents. If a file has not already been opened, the clerk will open a file and a Supreme Court file number will be assigned to your case. Your forms will be stamped by the clerk with the date that they were filed.

Step 6: Receive judge’s approval or follow judge’s instructions

A judge will review your documents. If a judge approves the Consent Order, the clerk of the Supreme Court will file and issue the Consent Order. The original will be kept on the court file and the filed copies will be returned to the person who submitted the Consent Order. That person is responsible for giving a copy to the other party.

If the judge does not approve the Consent Order, the clerk will contact you. You may be instructed to:

- provide more information by submitting another Affidavit; or
- schedule a hearing or a family law case conference.

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For more information, or to obtain copies of these publications, please contact:

Government of Yukon, Department of Justice

Court Services

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yukoncourts.ca/en

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