



Applying for Indigency Status: Step-by-Step

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

Applying for Indigency Status: step-by-step

- Step 1** Research the laws and rules that apply to your application
- Step 2** Collect your supporting documents
- Step 3** Prepare and complete forms
- Step 4** Make copies of all your forms and documents
- Step 5** Have your Financial Statement and Affidavit notarized
- Step 6** File your forms with the Supreme Court



Basic information on applying for Indigency Status

A person can make an application to be granted Indigency Status, whereby the court can order that no court fee is payable by the individual to commence, defend or continue the whole or part of a proceeding (see Appendix C, Schedule 1, Provision S1 of the Rules of Court). A court order is a decision by a judge that the people named in it must follow. This guide provides step-by-step instructions for applying to the Supreme Court of Yukon for a court order for Indigency Status that is set out in the Rules of Court. The judge will make a decision based on the information (evidence) provided by the applicant and the laws that apply to your situation. Indigency Status refers only to court fees (fees payable to the court to file documents); it does not relate to other fees and/or costs payable to outside agencies or court costs.

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 and links to publications.

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.

Applying for a Court Order: Step-by-step

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

Before you begin, you should research the laws and rules that apply to your situation, specifically Rule 43: Orders and Appendix C, Schedule 1, Provision S1 of the Rules of Court, which can be found on the Supreme Court website: yukoncourts.ca/en/supreme-court/rules-forms. You should consult a lawyer for interpretation of the law that applies to your case and for other legal advice.

Step 2: Collect your supporting documents

You are required to provide financial information regarding your income and provide any documents that support this information. These documents may include: income tax assessments, payroll records or other income records. You will also need to collect any other documents that you will be submitting as evidence. You may choose, or the court may direct, that you complete a Financial Statement – Form 94/94A.

Step 3: Prepare and complete forms:

To apply for a court 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.

The forms you need to file when applying for an indigency status order are:

- A. Requisition for Order – Form 3
- B. Affidavit – Form 59
- C. Order Without Notice – Form 54

To provide financial information you may also need to file:

- D. Financial Statement – Form 94/94A

Completing your forms:

A) Requisition - Form 3

This form states what order you are asking the court to grant and the laws (statutes and regulations) you will be relying on. Rule 43: Orders sets out the procedure for applications without notice. You must specifically state your request – do you want to be declared indigent for filing a single document or for the entire proceeding? Refer to the Rules of Court: Appendix C, Schedule 1, Item S1, paragraph (2) for specific information.

The parties will be named Plaintiff and Defendant or Petitioner and Respondent. How they are named depends on the document that you are intending to file.

If you have not supplied an “Address for Delivery” on previously filed documents, you must add the address at the bottom of this form. Your address for delivery must include a residential or business address and a postal address in Yukon.

B) Affidavit - Form 59

The Affidavit is a very important document because it contains most of your evidence. There are special rules for preparing an Affidavit, see Rule 49: Affidavits. The Yukon Department of Justice has published an information sheet titled **Preparing an Affidavit (Family Law)** to help you complete an Affidavit – Form 59.

An Affidavit is the document that states any information that you want the judge to know. Filing an Affidavit is a way to give written evidence to the court. Your Affidavit and all exhibits must be sworn. (See Step 5: Have your Financial Statement and Affidavit notarized). **Do not sign your document until you are having it sworn before the Notary Public or other qualified person!**

You must provide financial information in your Affidavit explaining to the court why you should not be required to pay court fees. You must also provide a copy of the document that you are planning on filing by attaching it as an exhibit to your Affidavit. This is to satisfy the court that Appendix C, Schedule 1 of the Rules of Court has been satisfied. You must not change the document that you are intending to file between the time that you file the Affidavit (with the document attached) and the time that you file it with the court, unless the court orders you to change it.

Note: If you have more than one supporting document (exhibit) to attach to any Affidavit, you must place consecutively numbered tabs on the first page of each exhibit. All of the exhibit pages should be numbered consecutively. For more information on rules for Affidavits, see Rule 49: Affidavits.

C) Order Without Notice – Form 54

This form must be typed and states what you wish the court to order.

An Important Caution: Be sure that your evidence is complete, accurate, clear and relevant to your application. You must, in all cases, tell the truth. In your Affidavit, you can only say things that you know personally to be true or things that you believe to be true and you must give a reason for that belief. There are serious legal consequences for not telling the truth in a sworn document. The other party or other party's lawyer can cross-examine you about anything you include in your Affidavit.

D) Financial Statement – Form 94/94A (if required)

Form 94A is a simplified Financial Statement, which is required for establishing Child Support. Form 94 is a detailed Financial Statement, which will be required in matters involving Section 7 of the Federal Child Support Guidelines, claim for undue hardship, spousal support, property division, etc. This form states the income, debt, expenses and assets of the applicant. You may be required to complete this form depending on your circumstances or the court may order that you file this form even if you are not required to do so under Rule 43: Orders. This form contains very specific instructions; only complete the sections that apply to your situation. Your Financial Statement and supporting documents must be notarized (See Step 5: Have your Financial Statement and Affidavit notarized). **Do not sign your document until you are having it sworn before a Notary Public or other qualified person.**

Step 4: Make copies of all your forms and documents

You will need two sets of your forms to submit for filing. The originals filed documents will always remain on the court file and the other copy of each document will be returned to you. Keep this set for your own records. The Family Law Information Centre can assist you in preparing and making copies of your forms and documents.

Step 5: Have your Affidavit and Financial Statement notarized

The Affidavit and Financial Statement must be sworn/notarized. Bring all copies of your documents and proof of government-issued photo 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. **Do not sign these documents until you are having them sworn before the Notary Public or other qualified person.**

Step 6: File your forms with the Supreme Court

When you mail or bring your forms to the Supreme Court registry for filing, the clerk will review your forms before accepting them. The clerk will review your documents to verify that you have followed the Rules of Court but they will not provide advice or comment on the content of your documents. When the clerk accepts your forms, a file will be opened and a Supreme Court file number will be assigned to your case (unless there is an existing court file). This number will be written on your forms in the upper right-hand corner next to "S.C.No." and will be used to reference your case throughout your court proceeding. It must be recorded on all future forms. Your forms will be stamped by the clerk with the date that they were filed.

There is no fee for filing an application for indigency status.

■ Additional steps

The clerk will submit your application to the judge for review. The clerk will contact you after the judge has reviewed your application to let you know if your order has been approved or if anything further is required.

If your order is approved, you may proceed with court proceedings without paying court fees. As court staff receive and process many court documents and deal with many people filing these documents, they may not remember that you are not required to pay court fees so when filing documents in your proceeding, you should remind the clerk that you are not required to pay court fees and refer them to the court order which will be kept on the court file.

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

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