

Tips for Starting Cases
47 Sheppard Ave. E., Ontario Court of Justice – 31 May 2011

	Situation	Fresh Application	Motion to Change	Motion in a case
1.	Custodial or access parent with final custody order, wants an order to locate, apprehend and return a child.			Form 14 motion with affidavit in support
2.	Contempt motion			Form 31 motion with affidavit in support
3.	Request to set aside an order			Form 14 motion with affidavit in support
4.	Request to set aside an order, with request for alternative relief to change a final order			Form 14 motion with affidavit in support and financial information required by Rule 15. Draft answer/claim should be attached where appropriate.
5.	Request for permission to travel with child, where final order requires consent or court order.			Form 14 motion with affidavit in support
6.	Request to dispense with signature on passport - Final order silent		Motion to change – Rule 15	
7.	Request to dispense with consent to travel outside of Canada – Final order silent		Motion to change – Rule 15	
8.	Emergency request to travel with child outside of Canada – Final order silent		Motion to change – Rule 15 AND	Form 14 urgent temporary motion with affidavit in support.

9.	Request for special expenses when final court order doesn't include them		Motion to change – Rule 15	
10.	Request for new special expenses, when final court order includes other special expenses		Motion to change – Rule 15	
11.	Request for reimbursement for overpayment of support		Motion to change – Rule 15	
12.	Motion to suspend enforcement of final support order			Form 14 motion, with affidavit in support, service on FRO, recipient, assignee.
13.	Motion to suspend enforcement of final order and alternative relief is sought as well		Motion to change – Rule 15 - service on FRO, recipient and assignee AND	If urgent, temporary motion, Form 14 with affidavit in support, service on FRO, recipient and assignee.
14.	Request to stop name change where final custody order		Motion to change – Rule 15 AND	If urgent, Form 14 temporary motion with affidavit in support
15.	Request to stop name change, no order	Application AND		If urgent, Form 14 motion with affidavit in support
16.	Temporary custody/access order between parents, third party wants to apply for custody or access			Third party should bring motion to be added as party in case under Rule 7

17.	Final custody/access order between parents, third party wants to apply for custody or access	Issue application with new file number and have it placed before the judge with the original file. The judge will likely order the cases to be consolidated, with a new style of cause and a direction that all court documents be filed in a continuing record with the new style of cause.		
18.	Motion to terminate final child support on basis that child no longer entitled		Motion to change – Rule 15.	
19.	Existing final order for custody and child support. Parties have new child. Request for custody of new child and additional support	Application		
20.	Motion to change existing custody and child support order by payor. Parties have new child and recipient wants an order for custody and child support for this child		Claim can be made in response to motion to change under Rule 15	
21.	Party wishes to change an order or agreement to which Rule 15 applies and also wants to request relief to which Rule 15 does not apply	The party may make all claims by application. (Subrule 8 (2.1)).		