

This checklist can help you understand how to bring a motion to change a final court order or written agreement about support or parenting issues. It is not legal advice. You should speak to a lawyer about your options, rights, and responsibilities in your situation.

**Important!** Before you start the process, you must get a copy of your **existing court order** or **written agreement** that you want to change. **If you want to change a written agreement, it must already have been filed with the Ontario Court of Justice or a Family Court** at the Superior Court of Justice, along with a completed Form 26B: Affidavit for Filing Domestic Contract with Court.

## Step 1: Choose Where to File

There are rules about where you can start your motion to change:

- Choose the right municipality:** You must usually start a motion to change in the municipality where:
  - You or the other party lives; or
  - The children live, if your case involves parenting issues.
  
- Choose the right court:** Family law cases are heard in the Ontario Court of Justice, Superior Court of Justice, and Family Court of the Superior Court of Justice. You must bring your motion to change to the same court that made your existing order or where your written agreement was filed. For example, if the Superior Court of Justice made the order, you should go back to that court.

You can find a list of court addresses on the [Ministry of the Attorney General's website](#). For more details, see rule 5, titled "Where a Case Starts and is to be Heard," in the [Family Law Rules](#).

## Step 2: Prepare the Required Documents

Court forms can be found at: <http://ontariocourtforms.on.ca>

The documents that you need to prepare depend on whether or not you and the other party agree on the change that you are seeking.

**If the other party agrees** to the change you want, you should together prepare and file with the court:

- Form 15C: Consent to Motion to Change, **or**
- Form 15D: Consent to Motion to Change Child Support if you're changing child support **only**

**If the other party does not agree** to the change you want, you will need:

- Form 15: Motion to Change.** Note that if you are listed as the Respondent on your court order, you will still be the Respondent in your motion to change documents.
- A copy of either:**
  - The final court order you want to change, or**
  - The agreement you want to change** (which has already been filed with the court).
- If you want to change your parenting arrangements, **Form 35.1: Affidavit (decision-making responsibility, parenting time, contact).**

- If you want to change child support or spousal support:
  - Form 13: Financial Statement (Support Claims).**
  - Form 13A: Certificate of Financial Disclosure.**
  - Proof of your current yearly income** (for example, your most recent pay stub, social assistance statement, or pension stub that shows how much you earned in the last year).
  - A copy of your personal income tax return for each of the last three years.
  - Your Notices of Assessment** and any **Notices of Reassessment for the past three years.** You can contact the [Canada Revenue Agency](#) at 1-800-959-8281 for these documents.
  - If you've been unemployed within the past three years:
    - A copy of your Record of Employment or other proof that your job ended, and
    - A statement of any income or benefits that you received from your former employer.
  - If you are self-employed:
    - A copy of your financial statements for your business or professional practice (other than a partnership) for each of the past three years, and
    - A statement showing a breakdown of all salaries, wages, and other benefits paid to others for the past three years.
  - Proof of any income from a partnership, corporation, or trust for the past three years.
  - If you're asking that the other party pay a child's special or extraordinary expenses, proof of the amount of those expenses (for example, daycare receipts).
  - If your support is registered with the [Family Responsibility Office](#), you need to obtain a recent copy of a Director's **Statement of Arrears** in your case.
  - A [Confirmation of Assignment form](#) to find out if the support payments are going to a social service agency. You must partly fill in this form and send it to the Ministry of Children, Community and Social Services (contact information is on the form), who will then complete the form and send it back to you.

**Important!** In some of your forms, you will need to swear or affirm that the information you have provided is true, and sign them in front of a [qualified commissioner for taking affidavits](#). There are commissioners at all [family court offices](#) who will do this for free (bring government-issued photo ID with you).

Make multiple copies of your completed documents (for the court, the other party, and yourself).

All of these documents must be served on the other party, but only some must be filed with the court. See rule 13, titled "Financial Disclosure," in the [Family Law Rules](#) for more details.

## Step 3: File Your Documents with the Court

You must file your completed documents **in person at the courthouse** or **online** (visit [www.ontario.ca/familyclaims](http://www.ontario.ca/familyclaims)).

**Important!** If you file in person at a courthouse, you must also prepare and file a [Continuing Record](#) and [Table of Contents](#). The Continuing Record is kept in your court file at the courthouse. It is created so you, the other party, and the judge can find your documents easily. You and the other party are responsible for updating the Continuing Record in your case. Court staff can help you with this. For more details, see the [Formal Requirements of the Continuing Record](#) and Rule 9, titled "Continuing Record," in the [Family Law Rules](#).

**After you have filed your documents, the court clerk will:**

- Review your documents to determine if they can be accepted by the court.
- Date and stamp a court seal onto your Form 15: Motion to Change so it is “court-issued.”
- Give you a copy of your court-issued Form 15: Motion to Change (a paper copy if you file in person or an electronic copy if you file online). **This court-issued version must be served on the other party.**
- Give you a court file number. You must write this number on each page of all your forms.
- Schedule your first court date if your case is at the Ontario Court of Justice or the Family Court of the Superior Court of Justice. If your case is in the Superior Court of Justice, you need to prepare and file **Form 17: Notice of Conference** before the court clerk will schedule your first court date.
- Schedule you and the other party for separate Mandatory Information Program sessions, if required. See Rule 8.1, titled “Mandatory Information Program,” in the [Family Law Rules](#) for more information.

## **Step 4: Serve a Copy of the Issued Motion to Change**

All your documents must be “served” on the other party **as soon as possible**. This means that **someone other than you** (who is at least 18 years old) must give your court-issued Form 15: Motion to Change and all your other documents **personally** to the other party, along with blank copies of the forms that the other party may need to complete (for example, blank Forms 15B and 15C).

You can ask a friend or family member to serve your documents or you can hire a professional process server (someone you pay to serve your documents). After this person serves your documents, they swear or affirm a completed **Form 6B: Affidavit of Service** and sign it in front of a commissioner for taking affidavits. **You must then file this form with the court.**

For more information about service, see Rule 6, titled “Service of Documents,” in the [Family Law Rules](#).

**Important!** If the completed Confirmation of Assignment Form shows that there is an Assignee, you must also serve a copy of all your documents on the Assignee.

**The other party has 30 days to respond after they receive your documents (or 60 days if they live outside of Canada and the United States).**

If the other party agrees to the change you want, they should prepare **Form 15C: Consent Motion to Change** or **Form 15D: Consent Motion to Change Child Support** and return a signed copy to you within 30 days.

If the other party doesn’t agree, they must serve and file a **Form 15B: Response to Motion to Change** along with any other necessary forms. You will both then need to attend a court event.

## **Step 5: Going to Court**

**Important!** Your court event may happen in-person at the courthouse or by telephone or video conference. **You are responsible** to find out what you need to do to get ready for it.

Every court event is an opportunity for you to resolve your issues with the other party, which can save you time and costs. Depending on the court level and location, your first court event may be one of the following:

- **First Appearance with a Court Clerk:** You and the other party meet with a court clerk to make sure that all the documents have been served on every party and filed with the court. The court clerk at your first appearance cannot make any orders.

- **Dispute Resolution Officer (DRO) Case Conference:** DROs are senior family lawyers who conduct the first case conference at certain Superior Court locations. They provide a neutral evaluation of your case to help you and the other party settle or narrow the issues, exchange disclosure, and set next steps in your case. DROs cannot make orders, but they can help you get a consent order from a judge.
- **Judicial Case Conference:** Your first court event may be a case conference with a judge. You, the other party, and your lawyers speak to a judge about the issues in your case, explore ways to settle them, and identify next steps.

**What comes next:** If you can't settle the issues, a judge may make a final decision for you at a subsequent hearing.

## Additional Resources

- [The Law Society Referral Service](#) (1-800-268-8326) (free referral to a lawyer in your area)
- [Legal Aid Ontario](#) (1-800-668-8258) for summary legal advice and to inquire if you are eligible for a legal aid certificate
- Limited Scope Legal Services: Some lawyers provide "limited scope" services, which means you hire them to help with a specific part of your legal problem (rather than your whole case). The [Family Law Limited Scope Services Project](#) website is a private-bar initiative where you can find a directory of lawyers that offer these services.
- Court Services Accessibility Inquiries (1-800-518-7901 or TTY 1-877-425-0575)
- [Family Mediation Services](#)
- [Guided Pathways to Family Court Forms](#) (free online tool that helps you complete your court forms)
- [Steps to Justice](#) (free reliable online legal information)
- [Guide to Procedures in Family Court](#) (free informational guide)