

FAMILY CROWN SERVICES OPERATIONAL MANUAL

INTERJURISDICTIONAL SUPPORT ORDERS	New	Office of the Attorney General / Family Crown Services	Policy 30
Policy Title	New or Amended	Division / Branch / Section	Policy #

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INTERJURISDICTIONAL SUPPORT ORDERS

1. Introduction

The *Interjurisdictional Support Orders Act* (ISOA) is a piece of uniform legislation designed to streamline and standardize process, reduce the time required to obtain a support order and eliminate the need that the applicant or a lawyer representing the applicant be present in court. Family Crown Counsel provide services within their specific mandate (see Policy 3 - Organization and Mandate and Policy 4 – Specific delegations by the Attorney General).

Applications under the ISOA received from reciprocating jurisdictions outside New Brunswick are referred to as “incoming applications”. These applications may come from other Canadian provinces and territories but may also come from foreign countries. The place from which the application is received is referred to as the “originating jurisdiction”.

2. Incoming applications under the ISOA

Family Crown Counsel shall appear at any scheduled hearings and indicate they are appearing in court as agent for the Attorney General on behalf of the designated authority under the ISOA. Family Crown Counsel assist the court with respect to the ISOA application. In some Judicial Districts a presiding justice may indicate that they do not wish to have Family Crown Counsel present for ISOA matters. The presiding justice has the discretion to do so and Family Crown Counsel shall not appear at ISOA matters in such cases unless directed otherwise by such presiding justice or by court services.

2.1 Role of Family Crown Counsel for incoming ISOA applications

Family Crown Counsel appearing at hearings regarding incoming ISOA applications shall:

- Inform the court on the record that the Family Crown Counsel appears as agent for the Attorney General on behalf of the designated authority and that he / she does not represent either party to the proceeding, does not have a vested interest in the proceeding, is not taking a position, but rather is present to assist the court with procedural issues and with receiving all pertinent information;
- Assist the court in entering all relevant exhibits, e.g. ISOA documents received from the originating jurisdiction;
- Assist the court in receiving *viva voce* evidence. Family Crown Counsel will ask relevant questions of the parties or other witnesses;
- Provide suggestions to the court with respect to the possibility of issuing a Request for Further Information or Documents if there is a concern that all the relevant information is not before the court;
- While Family Crown Counsel cannot negotiate a settlement, Family Crown Counsel can communicate offers to the parties. Family Crown Counsel cannot consent to anything on behalf of any party. If a party provides written consent to any relief, Family Crown Counsel can present the consent to the Court;
- Prepare the Notice of Appearance or Notice of Hearing in the event that a matter is adjourned and such a notice is required (if applicable in your jurisdiction);
- Forward such Notice to the Sheriff's Office for service (if applicable in your jurisdiction);
- Answer questions from the court regarding support calculations based on facts identified by the court;
- Make general submissions to the court. Family Crown Counsel shall not take a position, but may point out relevant facts to the judge;
- If requested, draft the order and submit same to the court for signature.

2.2 Areas outside the mandate of Family Crown Counsel for incoming ISOA applications

- Communicate with the originating jurisdiction. This is the responsibility of the designated authority;
- Initiate contact with any party to the application;
- Take directions from any party to the application;
- Represent, provide legal advice or legal opinions to or prepare court documents for any party to the application;
- Negotiate settlement or other issues on behalf of any party to the application;
- Investigate matters or attempt to locate any party to the application;
- Arrange videoconferences or teleconferences. This is the responsibility of Court Services; and
- Arrange for paternity testing or any other form of testing or evaluation.

3. Related Documents

Interjurisdictional Support Orders Act, S.N.B. 2016, c. 102.

Policy 3 - Organization and Mandate

Policy 4 – Specific delegations by the Attorney General