

FAMILY LAW PRACTICE NOTE 2

FAMILY LAW APPLICATIONS

Effective January 2, 2026

The aim of this Practice Note is to ensure that application documents are filed correctly and promptly in the appropriate court venue, containing only the necessary evidence to resolve the issue(s) at hand.

A. GENERAL

1. This Practice Note applies to anyone making an application to the Court in proceedings mentioned in rule 12.2 of the *Alberta Rules of Court*, excluding applications for provisional orders under rule 12.46, applications under the *Protection Against Family Violence Act*, RSA 2000, c P-27, applications pursuant to the Hague Convention, and urgent applications. Applications for judicial review, including applications related to proceedings permitted by the *Arbitration Act*, RSA 2000, c A-43 must adhere to [Civil Practice Note 1](#).
2. This Practice Note is subordinate to [Family Law Practice Note 10](#).
3. For all applications pursuant to this Practice Note, the Applicant/Cross-Applicant must comply with all requirements to enter the Family Focused Protocol before appearing before a Justice to make their application.

B. FILING AN APPLICATION

4. Applications will be heard by a Mandatory Intake Triage (MIT) Justice unless otherwise ordered. The requirements for an application as set out in this Practice Note, are subject to the further directions of the MIT Justice.

Application Documents

5. An Applicant seeking relief under the *Divorce Act*, RSC, 1985, c 3 (2nd Supp) must file a Family Application, [Form FL-18](#), along with a supporting affidavit.
6. An Applicant bringing an application under the *Family Law Act* (having previously filed a Claim [Form FL-10](#)), must file a [Form FL-18](#), along with one or more statements in Forms [FL-34 to FL-56](#), or an affidavit.

7. A Respondent intending to provide evidence in response to an application under the *Divorce Act* must file an affidavit.
8. A Respondent intending to respond to an application under the *Family Law Act* must file [Form FL-11](#) (unless previously filed) and may provide evidence by filing one or more reply statements in Forms [FL-57 to FL-78](#), or an affidavit.
9. An Applicant may file further evidence in reply to the Respondent's evidence by filing an affidavit or one or more reply statements in Forms [FL-57 to FL-78](#). The reply must be limited to evidence that explains, refutes, or contradicts new evidence raised by the Respondent.
10. All application documents, responding documents, and supporting affidavits and statements must be filed with King's Bench Operations using one of the approved filing methods:
 - a) Family and Divorce Filing Digital Service
 - This is the preferred method for eligible users
 - For details on eligibility and the types of documents that can be submitted through this service, visit: <https://qb-filing-family.alberta.ca/>.
 - b) Email Filing Procedures
 - Documents may be submitted by email in accordance with the [Court's Email Filing Procedures and Naming Convention Guidelines](#). Ensure compliance with proper subject line formatting.
 - c) In-Person Filing at the Judicial Centre
 - Self-represented litigants may file documents directly at the appropriate judicial centre during regular business hours.
 - d) Resolution Services
 - Self-represented litigants may seek assistance from [Resolution Services](#) for filing documents.
11. If a party wishes to bring an application before their assigned MIT Justice after the initial MIT Conference, they must first seek leave from the Case Conference Justice (previously assigned MIT Justice) by completing any Court required request form and submitting it to the designated Court Coordinator. The parties must indicate the nature of the application, why the application is necessary, and the position of each party on the issues for the intended application. It is expected that the parties/Counsel will discuss the request, agree on the issues and work together to determine the position of each party on each issue, before submitting the request form. Any submitted request must be copied to both parties as well as any involved third parties (such as Counsel for children, Director for Children and Family Service, or Director for the Maintenance

Enforcement Program).

C. FILING A CROSS-APPLICATION

12. A cross-application is when the Respondent requests a different order instead of just opposing the Applicant's application.
13. For a cross-application under the *Divorce Act*, the Respondent must file [Form FL-18](#) and clearly label it as a cross-application. The supporting evidence for the cross-application should be included in the same affidavit as the evidence opposing the Applicant's application.
14. For a cross-application under the *Family Law Act*, the Respondent must file [Form FL-11](#), including the request for additional relief. The supporting evidence can be included in the same affidavit as the evidence opposing the Applicant's application or by filing one or more statements in Forms [FL-34 to FL-56](#) for the cross-application and Forms [FL-57 to FL-78](#) in response to the Applicant's application.
15. For cross-applications under the *Divorce Act*, the Applicant may file one additional affidavit that serves as both a reply to the Respondent's response on the initial application and a response to the Respondent's cross-application. This reply should only address new evidence raised in the Respondent's affidavit.
16. The Respondent may then file one final affidavit in reply to the Applicant's response on the cross-application, limited to addressing new evidence raised in the Applicant's response.
17. For cross-applications under the *Family Law Act*, the Applicant may file one additional affidavit or one or more reply statements in Forms [FL-57 to FL-78](#), with the same limitations as mentioned in paragraph 15 above.
18. The Respondent may then file one final affidavit or one or more reply statements in Forms [FL-57 to FL-78](#), limited to addressing new evidence raised in the Applicant's response.
19. If a party wishes to introduce new relevant evidence that was not available at the time of filing the application or cross-application, they must file an affidavit titled "Update Affidavit" or an Update Statement in [Form FL-79](#) (for *Family Law Act* applications only), containing the new evidence.

D. AFFIDAVIT REQUIREMENTS

20. Unless otherwise directed by the Court, each party's affidavit filings are limited to the following:

Application with no Cross-application

- **Applicant:** One affidavit, limited to 5 pages (excluding the exhibit cover page(s), and table of contents, if applicable, and exhibits).
- **Respondent:** One affidavit, limited to 5 pages (excluding the exhibit cover page(s), and table of contents, if applicable, and exhibits).
- **Applicant:** One reply affidavit, limited to 3 pages (excluding exhibits).
- **Applicant and Respondent:** One update affidavit each (new relevant evidence only), limited to 3 pages (excluding the exhibit cover page(s), and table of contents, if applicable, and exhibits).

Application with a Cross-application

- **Applicant:** One affidavit, limited to 5 pages (excluding the exhibit cover page(s), and table of contents, if applicable, and exhibits).
- **Respondent/Cross-Applicant:** One affidavit, limited to 5 pages (excluding the exhibit cover page(s), and table of contents, if applicable, and exhibits).
- **Applicant/Cross-Respondent:** One reply/response affidavit, limited to 5 pages (excluding the exhibit cover page(s), and table of contents, if applicable, and exhibits).
- **Respondent/Cross-Applicant:** One reply affidavit, limited to 3 pages (excluding the exhibit cover page(s), and table of contents, if applicable, and exhibits).
- **Applicant and Respondent:** One update affidavit each (new relevant evidence only), limited to 3 pages (excluding the exhibit cover page(s), and table of contents, if applicable, and exhibits).

The parties should clearly indicate the nature of the document being filed in the title (e.g., Respondent/Cross-Applicant's Affidavit, sworn January 5, 2025) so that the filing clerk can easily determine the applicable page limits.

21. Regulated forms under the *Family Law Act* are exempt from these page limits, but any additional pages attached to the statements are limited to 3 pages, excluding the exhibit cover page(s), and table of contents, if applicable, and exhibits.

22. Third parties properly before the Court, such as Children and Family Services, the Director of Maintenance Enforcement, or Counsel for a child, may file one affidavit limited to 5 pages, excluding the exhibit cover page(s), and table of contents, if applicable, and exhibits.

23. Affidavits must meet the following requirements:

- Paper size: 8½" by 11" with one-inch margins.

- Font: 12-point Times New Roman (or equivalent).
- Line spacing: 1.5.
- Single-sided.
- Handwritten affidavits must be legible.

Exhibits and Attachments

24. Exhibits appended to affidavits and attachments must:
- Be relevant, material, and not repetitive of materials already on the Court file (including previously filed disclosure documents).
 - Not exceed 25 pages, (excluding the exhibit cover page(s), and table of contents, if applicable), and consecutively numbered, without the Court's permission.
 - Be preceded by a table of contents identifying each exhibit by its page number.
 - Have relevant passages highlighted.
 - Be appended to the original copy of an affidavit, with exhibits separated by tabs.
25. Other affidavits in the same action must not be appended as exhibits, nor can they be incorporated by reference in an affidavit.
26. Exhibits must be supportive only and cannot provide further narrative or be used to extend affidavit page limits. The Court may award costs against a party who includes non-relevant and extraneous documents as exhibits.
27. Electronic exhibits (CDs, DVDs, flash drives, etc.) must not be included in an affidavit without the Court's permission, obtained in advance either by desk application (if no MIT/Case Conference Justice has been assigned) or by application to the assigned MIT/Case Conference Justice.

Evidence the Court may consider

28. Subject to paragraph 31, the Court will not consider evidence not contained in an affidavit or statement.
29. The Court will not consider evidence in additional affidavits or statements not permitted by this Practice Note unless the party has obtained the Court's permission in advance either by desk application (if no MIT/Case Conference Justice has been assigned) or by application to the assigned MIT/Case Conference Justice.
30. The Court may refuse to consider hearsay evidence in letters or unsworn statements authored by third parties appended to affidavits.
31. Oral evidence may be heard in exceptional circumstances, and only if leave is given by the MIT/Case Conference Justice.

E. CONCISE LETTERS FOR FAMILY APPLICATIONS

32. A Concise letter shall not be submitted for the initial appearance before the assigned MIT Justice. A Concise letter will only be required if ordered by the MIT/Case Conference Justice. If a Concise letter is ordered, paragraphs 33 through 42 will apply unless otherwise ordered.
33. No response or reply to the opposing party's Concise Letter is allowed.
34. If there is no cross-application, the Concise Letter must be no longer than 3 pages, or as directed by the MIT/Case Conference Justice.
35. If there is a cross-application, the Concise Letter must be no longer than 5 pages, or as directed by the MIT/Case Conference Justice.
36. The Concise Letters must adhere to the following requirements unless otherwise directed by the MIT/Case Conference Justice:
- 8½" by 11" paper with one-inch margins
 - 12-point font, Times New Roman (or equivalent)
 - 1.5 line spacing
 - Single-sided
 - Handwritten Concise Letters must be legible
 - Submitted by the deadline imposed by the MIT/Case Conference Justice
37. The Concise Letter must provide a summary of the party's position and include:
- Identification of the parties and any counsel acting for a party
 - Identification of any preliminary matters to be addressed before the application is heard
 - Identification of the order(s) sought or opposed
 - Identification of the issues raised in the application (and cross-application, if any)
 - Relevant facts, as verified by affidavits or statements filed in relation to the application (and cross-application, if any)
 - A list of the affidavits or statements being relied upon in relation to the application and cross application (if any)
 - Explanation of the party's position on the issues
 - Citation of any relevant cases
 - Estimation of the time required for the party's argument
38. The following must be consecutively numbered and appended to the Concise Letter, preceded by a table of contents, and will not count towards the page limits:
- Copies of any relevant portions of transcripts (entire transcript must not be attached)

- Copies of relevant cases or excerpts, with the relevant portions highlighted
- Any information sheets designated by the Court, such as child support calculations, spousal support calculations, and monthly cash projections
- For retroactive support claims, a concise summary or table of the calculations for the retroactive support amount being claimed

39. Each party must file one copy of the Concise Letter and attachments with the Court and serve them on the opposing party.

40. Any Third Parties who are properly before the Court who intend to make submissions must file and serve a Concise Letter no longer than 3 pages, meeting the requirements set out in paragraphs 36 and 37, and provide only relevant documents as attachments.

41. An Applicant or Respondent who filed a current and relevant Disclosure Statement may request that it be made available to the Justice along with the Concise Letter. The filing date for the Disclosure Statement must be indicated.

42. The Applicant and Respondent must inform the Court in writing as early as possible if some issues have settled and will no longer be part of the hearing.

F. FILING AND SERVICE DEADLINES FOR FAMILY APPLICATIONS

43. An initial application filed before the MIT Conference must be responded to by the Respondent within 14 days. If the Respondent files a cross-application, the Applicant must respond (with one affidavit that combines both the Reply on the original Application and response to the Cross-Application) within 7 days. Any required Reply Affidavit to a Cross-Application must be filed within 7 days. If the Respondent (or the Applicant in the event of a Cross-Application) does not comply with these deadlines, the application/cross-application may proceed to the MIT/Case Conference Justice and may be considered without the responding materials.

44. For all applications made after the MIT Conference, filing deadlines will be as directed by the MIT/Case Conference Justice.

45. A party who cannot meet a filing deadline, or who has missed a filing deadline, must advise the MIT/Case Conference Justice and may seek leave of the Court to extend the deadline (see paragraph 47). If the Court grants leave and changes a deadline, it is the responsibility of the party who sought the revised deadline to immediately notify the Court Coordinator or equivalent of the revised deadline(s) and provide a copy of the applicable order. The Court may impose costs consequences for missed deadlines. If the deadline has passed, the other party may proceed without the defaulting party's evidence or submissions or may apply to have the application struck.

46. For deadlines that fall on a holiday, the deadline is the working day immediately before the holiday.

G. OBTAINING LEAVE

47. If a party needs to:

- a) Obtain a different hearing date,
- b) File after the deadlines mentioned above,
- c) Submit affidavits or exhibits exceeding the page limits,
- d) File additional affidavits,
- e) File electronic exhibits, or
- f) Present oral evidence for the application,

they must seek leave from their assigned MIT/Case Conference Justice unless otherwise directed by that Justice. Where no MIT/Case Conference Justice has been assigned, these applications must be made by desk application on reasonable notice to the opposing party.

48. For items 47 b) through e), a fiat granting permission to file a document that does not comply with the Rules or this Practice Note must be placed on the document being filed.

49. For item 47 f), the party must comply with Notice to the Profession 2014-2 (Template Oral Hearing Order) or such other Hearing Order as directed by the Court.

H. ADJOURNING FAMILY APPLICATIONS

50. Unless otherwise directed by the Court, all applications for an adjournment of a Family Application must be brought before the MIT/Case Conference Justice) by completing any Court required request form and submitting it to King's Bench Operations. Except in emergency circumstances, an application for an adjournment must be made within a reasonable time before the application is scheduled to be heard.

I. FAILURE TO COMPLY WITH THIS PRACTICE NOTE

51. If a party does not comply with this Practice Note, the presiding Justice may refuse to hear the application and/or award costs against the non-complying party.