**This tip sheet does not provide legal advice.** All parties should get legal advice where possible.If you don’t have a lawyer, you may want to contact either Pro Bono Students Family Justice Centre probonostudents.ca/family-justice-centre) or the Law Society Referral Service (lsrs.lso.ca/lsrs/welcome).

This tip sheet provides guidance for completing, serving and filing your financial statement and supporting documents.

This is an automatic court order that is issued in most contested family cases. The party who receives the automatic court order must serve the order on the other party.

**What is an Automatic Court Order for Financial Disclosure?**

This order outlines each party’s financial disclosure responsibilities relating mainly to support cases. Financial disclosure means giving the other party and the court information about your finances. This information includes a financial statement and documents that support your financial statement.
 **IMPORTANT!** **Parties must comply with this order until the court changes it.**

**Exceptions to filing a financial statement: when you don’t need to provide a Financial Statement**

You do not have to provide a Financial Statement if you or the other party are only asking the court for child support that is calculated using the Child Support Guideline’s support tables. You do have to give the other party and the court financial information listed in the Child Support Guidelines. You can find the Guidelines and tables here: [ontario.ca/laws/regulation/970391](http://www.ontario.ca/laws/regulation/970391) and <https://laws-lois.justice.gc.ca/eng/regulations/sor-97-175/page-3.html#h-1004334>. These tables are based on the annual income of the paying parent and the number of children entitled to support.

You also don’t need to complete a Financial Statement if you and the other party are filing a motion to change a temporary or final support order on consent and you both agree that it is not necessary to complete Financial Statements. You will need to file a consent that confirms your agreement.

However, you should be aware that the court may order each party to file a Financial Statement if your application, answer, motion to change or response to the motion to change contains a claim for parenting time and decision-making responsibility, even if the Family Law Rules do not require you to file a Financial Statement.

**If your case does not fall into one of the exceptions and you must file a financial statement**

It is important that you review and comply with the [*Family Law Rules*](file:///C%3A%5CUsers%5Cmirandm%5CAppData%5CLocal%5CMicrosoft%5CWindows%5CINetCache%5CContent.Outlook%5CLRSELAEP%5CO%20Reg%20114%5C99%20%7C%20Family%20Law%20Rules%20%7C%20CanLII) ([ontario.ca/laws/regulation/990114](https://ontariogov-my.sharepoint.com/personal/elise_cattani_ontario_ca/Documents/ontario.ca/laws/regulation/990114)) and Forms ([ontariocourtforms.on.ca/en/family-law-rules-forms/](http://ontariocourtforms.on.ca/en/family-law-rules-forms/))

* **Rule 13**: Financial Disclosure

In most cases, you must complete, serve and file a financial statement. There are exceptions which are outlined above. Rule 13 also sets out the required information and documents you need to serve and file with your financial statement.

* **Forms 13 and 13.1**: Financial Statement

If either you or the other party are asking the court for child and/or spousal support, but neither one of you have a claim for property, use Form 13.

If you or the other party are asking the court to divide your property and/or debts alone or with a claim for child and/or spousal support, use Form 13.1.
If you need help filling out your financial statement, visit the Community Legal Education Ontario’s (CLEO) website at: [stepstojustice.ca/questions/family-law/what-financial-statement-what-documents-do-i-have-give-my-partner/](https://stepstojustice.ca/questions/family-law/what-financial-statement-what-documents-do-i-have-give-my-partner/). CLEO has developed online resources that can help you.

**Supporting Documents**

If you or the other party are required to serve and file a financial statement, you must serve certain documents with your financial statement. These documents are listed in paragraph 6 of the Automatic Order. Only include those supporting documents that are relevant to your situation. For example, if you are an employee, you would not include documents regarding self-employment.

* **Rule 13(3.1)** of the Family Law Rules also outlines the documents that you must include with your financial statement if you are asking the court for child or spousal support.
* **Rule 3**: Timelines – This Rule sets out the timelines for serving your answer (if you received an application) or your response to a motion to change.

It also requires that you serve your financial statement and the supporting documents within 30 days if the other party resides in Canada or the United States or within 60 days if the party resides elsewhere, unless you and your former partner agree in writing to an extension of these timelines.

* **Rule 6**: Service of Documents – Serving documents means giving a copy of your court documents to the other party in the case. This Rule explains how to serve your financial statement and supporting documents on the other party.

**Confirm that you have served the other party**

You must confirm that you have served the financial statement and its supporting documents on the other party.

You do this by serving Form 13A (Certificate of Financial Disclosure) with the financial statement and its supporting documents on the other party.

If you are the applicant or the person making a motion to change and you have completed a Financial Statement, you must also file Form 13A with the court six days before your first appearance before a judge. If you are the respondent and you have completed a Financial Statement, you must file Form 13A four days before your first appearance before a judge.

**If your case includes property issues**

If your case is in the Superior Court of Justice and includes property claims, there are additional disclosure requirements that apply.

See rules 13(3.3) and 13(3.4) for more information.

**If you don’t comply with your financial disclosure obligations**

If you or the other party do not provide the required financial information, the court may make an order for the party to give the information or to serve and file a new financial statement. If the court makes such an order, it may also order that party to pay costs. More serious consequences may apply if the disclosure is not provided in response to such an order, including the Court preventing the party who has not complied with their obligations from taking further steps in the case.
**For additional information about your disclosure obligations:** <https://stepstojustice.ca/questions/family-law/what-financial-statement-what-documents-do-i-have-give-my-partner/>