

ISO ADR - Attorning to the Jurisdiction Information Sheet

What are the consequences of participating in the ISO ADR process?

- ***If the Applicant resides outside of Nova Scotia and the Respondent resides in Nova Scotia (ISO Incoming):***
 - Nova Scotia (NS) is the court that has jurisdiction. This means that a NS court has the authority to address the issue of support.
 - Both parties can voluntarily agree to the work with a NS court officer to settle outside of the court room.
 - If both parties do not agree to participate in the ADR process, the matter will be referred to a NS court.
 - If an agreement is reached through the ADR process, the NS court officer will draft a consent order which will be issued from the NS court.
 - If there is no agreement, the matter will proceed to a NS court for determination.
- ***If the Applicant resides in NS and the Respondent resides outside of NS (ISO Outgoing):***
 - The place where the Respondent resides has jurisdiction to address the issue of support.
 - Both parties can still voluntarily agree to work with a NS court officer to settle outside of the court room. However, both parties must also agree the NS court has the jurisdiction to issue the consent order instead of the order being issued out of the court where the Respondent resides. This agreement is referred to as “attorning to the jurisdiction” and the Respondent must attorn to the jurisdiction of the NS court for the purposes of the ADR process.
 - If an agreement about support is reached through the ADR process, the NS court officer will draft a consent order which will be issued from the NS court.
 - If an agreement is not reached, the matter will proceed to the court where the Respondent resides for determination.
 - If both parties do not agree to participate in the ADR process, the matter will be referred to a judge in the place where the Respondent resides.

What does attorning (agreeing) to the jurisdiction of NS for the purposes of ADR mean?

Attorning means that a person agrees that the law of Nova Scotia will apply to them for the support issue before the court. In the case of an attorning for an ADR ISO support matter, if a person attorns to NS, this means that they agree that their support issue will be dealt with under the laws, rules of court and legal procedures of NS and a NS consent order will be issued if the parties reach an agreement. Any order issued may be registered for enforcement or enforced in NS or the other province or territory involved.

Why is it important to get legal advice?

Attornment is a technical legal matter. Each party's situation is different and each case is different. There will be many things to think about before making a decision. Lawyers can help you make decisions by giving you information about your choices and what might happen in your situation.

Can Court Staff Give Legal Advice?

Court staff cannot give legal advice. Court staff cannot tell you what is right for you or what you should or should not do. In every case, you should have legal advice agreeing to attorn or participate in ADR.

How to Get Legal Advice:

Most provinces have Legal Aid plans or ways to obtain legal advice at no or low cost options.

- **If you live in NS, see:** <http://www.nsfamilylaw.ca/services/getting-legal-advice-finding-lawyer>

If you live outside NS: contact your local Barristers' Society or Law Society for more information