

Notice to Disclose

Court of Queen's Bench

Notice to Disclose / Application

Government of Alberta ■
Justice and Attorney General

Instructions

Notice to Disclose / Application

Before you Begin:

- You must have a court file in the Court of Queen's Bench to use this form. If you do not, talk to us about how to start.
- If you already have an Order for support, you can file a Notice to Disclose / Application only once a year.
- Remember that in most cases when you serve a Notice to Disclose on the other party, you have the same obligation to give them your financial information. Ask us for the Response to Notice to Disclose form and instructions.

Step 1: Fill in the Form

- Fill in the information at the beginning of the form:
 - Court File Number – Your file number as written on your other court documents.
 - The Judicial Centre, e.g. Edmonton
 - Both parties' complete names.
 - Your address and phone number.
- Read each item and check off those items that you want the other party to give you.

Warning: You can not ask for items 10 – 16 after a final decision has been made by the court on support.

If you are not asking for items 10 – 16, remove the Statement of Income, Assets and Liabilities from your Notice to Disclose form.

Step 2: Copy and File the Notice to Disclose / Application

- Make 2 copies of the complete form
- Bring all 3 copies to the Court of Queen's Bench Chambers counter to be filed. They will help you choose a court date, then will keep the original, and stamp your copies with their filed stamp.

Step 3: Serve the Notice to Disclose / Application

- Serve one copy of the complete package to the other party. You may do this by handing it to them, or by sending it by recorded mail.
- Complete an Affidavit of Service.

Step 4: Complete your own Response to Notice to Disclose

- Ask us for the form and instructions.
- File and serve your Response to Notice to Disclose and complete an Affidavit of Service.

Step 5: If you get the information you need, cancel your court date.

- Phone the Chambers Clerk and ask how to cancel your court date.
- Tell the other party that you have cancelled the court date.

Step 6: If you did not get the information you need, go to court.

- Fill in an Affidavit telling the court which documents you have not been given and what remedy you want from the court.



Tips:

See the warning section of the Notice to Disclose / Application for the list of possible remedies.

See our booklet "Making a Court Application" for more information about how to serve court forms and how to present your case in court.

These instructions have been prepared for you by Family Justice Services / Family Law Information Centre. Contact us at:

Calgary

Family Justice Services
7th floor, Calgary Courts Centre
601 - 5 Street SW
Phone 403-297-6981

Edmonton

Family Law Information Centre
Main Floor, Law Courts
1A Sir Winston Churchill Square
97 Street & 103A Avenue
Phone 780-415-0404

Grande Prairie

Law Information Centre
Main Floor, Court House
10260 - 99 St.
Phone: 780-833-4234

Lethbridge

Family Justice Services
1st Floor, Court House
320 - 4 St. S
Lethbridge AB T1J 1Z8
Phone: 403-388-3102

Red Deer

Family Justice Services
Main Floor, Court House
4909 - 48 Ave
Phone: 403-755-1468

Medicine Hat

Family Justice Services
Court House
460 First Street SE
Medicine Hat, AB T1A 0A8
Phone 403-529-8716

Outside these centres, contact us toll free at 310-0000



COURT FILE NO.

COURT Court of Queen's Bench of Alberta

JUDICIAL CENTRE - Select one -

APPLICANT

RESPONDENT

DOCUMENT **Notice to Disclose / Application**

ADDRESS FOR
SERVICE AND
CONTACT
INFORMATION OF
PARTY FILING THIS
DOCUMENT

NOTICE TO THE PARTY SERVED WITH THIS DOCUMENT:

This notice is combined with a court application. You are a Respondent.

Unless you provide all of the financial information and documents requested below and receive confirmation that the Applicant has cancelled the hearing, you must be in Court when the application is heard as shown below:

Date: _____

Time: _____

Where: - Select one - _____

Before Whom: Justice in Family Law Chambers _____

Go to the end of this document to see what else you can do and when you must do it.

WARNING

If you do not provide the financial information and documents requested below within the one-month period required by this notice and you do not provide an objection in the manner indicated below, you risk having a penalty imposed on you or an order or sanction being imposed against you by the Court.

(If this application is being used after there has been a final determination in a proceeding relating to child support, spousal support, or adult interdependent partner support, only the documents in items 1 to 9 may be requested.)

You are hereby required to provide to the Applicant within one (1) month of service of this Notice:

- 1. A copy of every personal income tax return you have filed for each of the 3 most recent taxation years. If you have not filed a tax return for the previous year, you must provide copies of your T4, T4A, and all other relevant tax slips and statements disclosing any and all sources of income for the previous year.
- 2. A copy of every notice of assessment and reassessment issued to you for each of the 3 most recent taxation years, or a copy of the Canada Revenue Agency printout of your last 3 years' income tax returns.
- 3. If you are an employee, a copy of each of your 3 most recent statements of earnings indicating your total earnings paid in the year to date, including overtime, or where such a statement is not provided by your employer, a letter from your employer setting out that information, including your rate of annual salary or remuneration.
- 4. If you receive income from employment insurance, social assistance, a pension, workers' compensation, disability payments, dividends or any other source, the most recent statement of income indicating the total amount of income from the applicable source during the current year or, if such a statement is not provided, a letter from the appropriate authority stating the required information.
- 5. If you are a student, a statement indicating the total amount of student finding you have received during the current academic year, including loans, grants, bursaries, scholarships and living allowances.
- 6. If you are self-employed in an unincorporated business:
 - (a) particulars or copies of every cheque issued to you during the last 6 weeks from any business or corporation in which you have an interest, or to which you have rendered a service;
 - (b) the financial statements of your business or professional practice for the 3 most recent taxation years; and
 - (c) a statement showing a breakdown of all salaries, wages, management fees or other payments or benefits paid to yourself, or to persons or corporations with whom you do not deal at arm's length, for the 3 most recent taxation years.
- 7. If you are a partner in a partnership, confirmation of your income and draws from, and capital in, the partnership for its 3 most recent taxation years.
- 8. If you have a 1% or more interest in a privately held corporation:
 - (a) the financial statements of the corporation and its subsidiaries for its 3 most recent taxation years;
 - (b) a statement showing a breakdown of all salaries, wages, management fees or other payments or benefits paid to yourself, or to persons or corporations with whom the corporation, and every related corporation, does not deal at arm's length for the corporation's 3 most recent taxation years; and
 - (c) a record showing your shareholder's loan transactions for the past 12 months.

- 9. A detailed list of any special or extraordinary expenses claimed (where child support is an issue) as well as copies of receipts or other documentation providing the amount of those expenses, namely:
 - (a) child care costs;
 - (b) health care and extended medical and dental insurance premiums attributable to the child;
 - (c) uninsured health care and dental expenses;
 - (d) extraordinary educational expenses;
 - (e) post-secondary educational expenses; and
 - (f) extraordinary expenses for extracurricular activities.

- 10. If you are a beneficiary under a trust, a copy of the trust settlement agreement and copies of the trust's 3 most recent financial statements.

- 11. Copies of all statements and cancelled cheques for all bank accounts held solely or jointly in your name for the most recent 6 months.

- 12. Copies of credit card statements for all credit cards solely or jointly in your name for the most recent 6 months.

- 13. Your monthly budget of expenses (where spousal or adult interdependent partner support is an issue).

- 14. A sworn itemized list of your income, assets and liabilities (in the form attached as Schedule A).

- 15. Copies of the most recent statement for all RRSP's, pensions, term deposit certificates, guaranteed investment certificates, stock accounts and other investments in your name or in which you have an interest.

- 16. A list of any exemptions claimed (where the action involves the division of matrimonial property).

THE REQUESTED DOCUMENTS ARE TO BE DELIVERED TO:

Note: In circumstances where the particulars of the income of the party serving this Notice are necessary to determine the amount of child support, including circumstances where the parties have shared or split custody or parenting, or there are section 7 expenses being claimed, the party serving the Notice to Disclose is required to send to the other party with this Notice to Disclose, his or her information equivalent to the information being requested.

WARNING

If you do not come to Court on the date and at the time shown above, either in person or by your lawyer, the Court may:

- (a) order you to provide the documents to the Applicant by a specific date;
- (b) order payment of support in an amount the Court considers appropriate, drawing an adverse inference against you and imputing income to you;
- (c) order you to pay costs to the Applicant up to an amount that fully compensates the Applicant for all costs incurred in the proceedings;
- (d) order that your employer, partner or principal, or any other person, provide to the Applicant and/or the Court, any or all of the financial information requested by the Applicant that is within the knowledge of, in the custody of, or under the control of that person;
- (e) grant any other remedy requested by the Applicant.

If you want to present any evidence to the Judge hearing this application, or if you object to providing the financial information and documents requested, you must

- (a) swear or affirm an affidavit stating the evidence you want to present or your objection to providing the financial information and documents requested and the reasons for your objection,
- (b) file the affidavit with the court clerk, and
- (c) serve the affidavit on the Applicant or the Applicant's solicitor a reasonable period of time before the application is scheduled to be heard.

STATEMENT OF INCOME, ASSETS AND LIABILITIES

(For Item 14 of Notice to Disclose)

I, _____, of _____, Alberta,
Your name *Name of City / Town*

Do solemnly declare as follows:

This is my Statement of Income, Assets and Liabilities.

A. INCOME

All of my sources of income and amounts of income per month are as follows:

- a) Employment income of: \$ _____ from _____
(Amount) *(Name of Employer)*
- b) Employment Insurance benefits of: \$ _____
(Amount)
- c) Worker's Compensation Benefits of: \$ _____
(Amount)
- d) Interest and Investment income of: \$ _____
(Amount)
- e) Pension income of: \$ _____
(Amount)
- f) Government Assistance income of: \$ _____ from _____
(Amount) *(Source)*
- g) Self-Employment income of: \$ _____
(Amount)
- h) Other income of: \$ _____ from _____
(Amount) *(Source)*

My total income **last year** as indicated at line 150 of my 20 ____ Income tax return was
\$ _____
(Amount)

I expect my income at line 150 of my income tax return this year to be:
\$ _____
(Amount)

B. ASSETS

	Asset	Particulars	Date Acquired	Value (Estimated)
1.	<p><u>Real Estate:</u> <i>(List any interest in land, including leasehold interests and mortgages, whether or not you are registered as owner. Provide legal descriptions and indicate without deducting encumbrances or costs of disposition.)</i></p> <p><i>(Record encumbrances under debts)</i></p>			
2.	<p><u>Vehicles:</u> <i>(List cars, trucks, motorcycles, trailers, motor homes, boats, etc.)</i></p>			
3.	<p><u>Financial Assets:</u> <i>(List savings and chequing accounts, term deposits, GIC's, stocks, bonds, Canada Savings Bonds, mutual funds, insurance policies (indicate beneficiaries), accounts receivable, etc.)</i></p>			
4.	<p><u>Pensions and RRSP's:</u> <i>(Indicate name of institution where accounts are held, name and address of pension plan and pension details)</i></p>			
5.	<p><u>Corporate / Business Interests:</u> <i>(List any interest you hold, directly or indirectly, in any corporation, unincorporated business, partnership, trust, joint venture, etc.)</i></p>			
6.	<p><u>Other:</u> <i>(List anything else of value that you own, including precious metals, collections, works of art, jewelry or household items of high value.)</i></p> <p><i>(Include location of any safety deposit boxes)</i></p>			

C. DEBTS

Debt	Particulars	Date incurred	Balance Owing	Monthly Payment
1. Secured Debts: <i>(List all mortgages, lines of credit, car loans, and any other debt secured against an asset that you own.)</i>				
2. Unsecured Debts: <i>(List all bank loans, personal loans, lines of credit, overdrafts, credit cards and any other debts that you have)</i>				
3. Other: <i>(List any other debts, including obligations that are relevant to a claim for undue hardship – e.g. car lease payment)</i>				
–				
–				
–				

I, _____ solemnly declare that the facts set out in this document are
(Your name)
true. I make this solemn declaration conscientiously believing it to be true and knowing that it is of
the same force and effect as if made under oath.

Declared before me

on _____, 20 ____
at _____, Alberta.

Commissioner for Oaths, Justice of the
Peace, or Notary Public
in and for the Province of Alberta



*Signature of person making the solemn
declaration*

ID Verified _____

NOTE: It is an offence to make a false declaration