Court of Queen’s Bench

Responding to a Notice to Disclose / Application

Government of Alberta
Justice and Attorney General

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Instructions
Response to Notice to Disclose

Before You Begin:

- You are completing this form either because you have been served with a Notice to Disclose/Application or because you have served the other party with a Notice to Disclose / Application.

- If you have served the other party with a Notice to Disclose / Application, you must give them the same financial information that you are asking for from them.

Step 1: Review the Notice to Disclose / Application

- Read the checked of items to make sure you know what is being asked for. If you do not understand what an item is, you can ask a lawyer or our staff.

Step 2: Gather up the Paperwork

- It may take you some time to collect the information. If you have a business, you may have to have your accountant help you. You have only 30 days to do this, so start right away!

Step 3: Organize the Information

- Decide which documents are needed for which item. In some cases (eg. your tax returns) you should be keeping the originals and making copies to give to the court.

Tips:

If any of your documents are smaller than regular paper size, tape them to a letter sized piece of blank paper. For example, pay stubs are usually smaller than regular paper size, so will have to be taped to a piece of paper.

Group your documents based on the number in the Notice to Disclose form – for example, all of your tax returns will be in one group, all of your credit card statements will be in another group.

Organize each group of documents in date order.

Step 4: Fill in the Response to Notice to Disclose form

- Check off any of the boxes that apply to you and fill in the blanks and tables.
- For each item that you have filled in, fill in the letter of the Exhibit, starting with Exhibit A.

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Tips:
If the form says “or”, you choose one item or the other. If the forms says “and”, then you fill in both items.

If you are not providing some of the information that is requested, or if you have any other information for the court, you can explain that in #17.

Step 5: Put your Response Package together

Tip:
We recommend that you buy a set of index dividers (labelled A – Z) from an office supply store. Or, you can put a plain piece of paper between each group of documents, and label those Exhibit A, Exhibit B, etc.

- Put the package together like this:
    - Completed Response to Notice to Disclose Form
    - Divider A
    - All of the documents that belong in Exhibit A
    - Divider B
    - All of the documents that belong in Exhibit B
    - Divider C
    - And so on…

Step 6: Have the Response Sworn

Take the complete package to a Commissioner for Oaths, Notary Public or Justice of the Peace to have it sworn.

Tips:
Remember that the Statement listed in Item 14 is also sworn.

Each exhibit must be labelled as Exhibit “A”, Exhibit “B”, etc and signed by the Commissioner for Oaths. If you are using the index dividers, those can be labelled as the Exhibit.

Staff at the court house or at the Family Justice Services / Family Law Information Centre offices can commission the package for you.
DO NOT MAKE COPIES until after you have your Response commissioned.

Step 7: Copy and File the Response

- Make 2 copies of the complete package.
- Staple the entire package together.

Tip:
If it is too big to be stapled, you may hold it together with a large clip, or you may consider putting each copy in a 3 ring binder.

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- Bring all 3 copies to the Court of Queen's Bench filing counter to be filed. They will keep the original, and stamp your copies with their filed stamp.

Step 8: Serve the Response

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

Tips:

You do not have to wait until the last day to deliver your Response. You can do it any time within the 30 days.

See our booklet "Making a Court Application" for more information about how to serve court forms.

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

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I Clerk's Stamp

COURT FILE NUMBER ____________________

COURT Court of Queen's Bench of Alberta

JUDICIAL CENTRE ____________________

APPLICANT ____________________

RESPONDENT ____________________

DOCUMENT **AFFIDAVIT IN RESPONSE TO NOTICE TO DISCLOSE**

SWORN / AFFIRMED BY: ____________________
Name of person making this Affidavit

SWORN / AFFIRMED ON: ____________________
Date Affidavit sworn / affirmed

ADDRESS FOR SERVICE AND CONTACT INFORMATION OF PARTY FILING THIS DOCUMENT

____

Name ____________________

____
Full address

____

(   ) ____________________

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

SWEAR / AFFIRM AND SAY THAT:

I am providing the following financial information because:

☐ I have been served with a Notice to Disclose by:

____
(Name of person who filed the Notice to Disclose)

OR

☐ I have served ____________________ with a Notice to Disclose.
(Name of person)

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1. ☐ **Income Tax Returns. I attach (Exhibit A):**
   - ☐ Personal income tax returns filed for the following years; or
   - ☐ I have not filed my tax returns, so attach copies of all tax slips for the following years:

   20_____
   20_____
   20_____

2. ☐ **Notice of Assessments. I attach (Exhibit B):**
   - ☐ All Notices of Assessments (and reassessments) for the following years; or
   - ☐ **CRA** *(Canada Revenue Agency)* printouts for the following years:

   20_____
   20_____
   20_____

3. ☐ I am not an employee; or
   ☐ I am an employee. **I attach (Exhibit _____)**
   - ☐ Copies of my 3 most recent paystubs showing my total earnings paid this year to date, including overtime; or
   - ☐ A letter from my employer showing my total earnings paid this year to date, including overtime.

4. ☐ I do not receive income from employment insurance, social assistance, pension, Worker's Compensation, disability payments, dividends or any other source; or
   ☐ I receive income from employment insurance, social assistance, pension, Worker's Compensation, disability payments, dividends or any other source.
   I attach (Exhibit_____)
   - ☐ Copies of statement(s) showing total income from____ received this year; or
   - ☐ A letter from ____ stating the total income from that source this year.

5. ☐ I am not a student; or
   ☐ I am a student. **I attach (Exhibit_____)**.
   - ☐ Statement(s) showing the total amount of student funding I have received during this academic year, including loans, grants, bursaries, scholarships and living allowances.

6. ☐ I am not self-employed in an unincorporated business or;
   ☐ I am self-employed in an unincorporated business. **I attach (Exhibit_____).**
   - ☐ Particulars or copies of every cheque issued to me in the last 6 weeks from any corporation or business in which I have an interest or to which I have rendered a service.
   - ☐ The financial statements of my business for the following years:

   20_____
   20_____

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20_____

☐ A statement showing the breakdown of all salaries, wages, management fees or other payments or benefits paid to me or to persons or corporations which whom I do not deal at arms length for the following years:

20_____
20_____
20_____

7. ☐ I am not a partner in a partnership; or
☐ I am a partner in a partnership. **I attach (Exhibit_____).**
☐ Confirmation of my income and draws from and capital in the partnership for the following years:

20_____
20_____
20_____

8. ☐ I do not have a 1% or more interest in a privately held corporation; or
☐ I do have a 1% or more interest in the privately held corporation,
____. **I attach (Exhibit_____).**
Name of Corporation)

☐ The financial statements of the corporation for the following years:

20_____
20_____
20_____

☐ A statement showing the breakdown of all salaries, wages, management fees or other payments or benefits paid to me, or to persons or corporations with whom the corporation and every related corporation does not deal at arms length for the following years:

20_____
20_____
20_____

9. ☐ I am not claiming any special or extraordinary expenses; or
☐ I am claiming the following special or extraordinary expenses, and attach a detailed list and copies of receipts or documentation proving the amount. **I attach (Exhibit_____).**
☐ Child care costs
☐ Health Care and extended medical and dental insurance premiums for the child
☐ Uninsured health care and dental expenses
☐ Extraordinary educational expenses
☐ Post-secondary educational expenses
☐ Extraordinary expenses for extracurricular activities

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******Note to the person completing this form******

The information in items #10 – 16 must be provided if a final decision has not yet been made (with respect to support) or if the Court orders you to provide it.

10. ☐ I am not a beneficiary under a trust; or
☐ I am a beneficiary under a trust and attach. **I attach (Exhibit_____).**
☐ A copy of the trust settlement agreement; and
☐ Copies of the trusts financial statements for the following years:

20_____
20_____
20_____

11. ☐ I attach copies of all statements and cancelled cheques for the past 6 months for all bank accounts, whether in my name alone or held jointly.
I attach (Exhibit_____).

Name(s) on Account	Name of Bank	Type of Account

12. ☐ I attach copies of all credit card statements whether the account is in my name alone or held jointly. **I attach (Exhibit_____).**

Name(s) on Account	Type of Credit Card

13. ☐ I do not attach a monthly budget of expenses, as spousal or adult interdependent partner support is not an issue.
☐ I attach my monthly budget of expenses. **I attach (Exhibit_____).**

14. ☐ I attach a sworn statement of my income, assets and liabilities.
I attach (Exhibit_____).

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15. ☐ I attach copies of the most recent statements for the following:
I attach (Exhibit_____).

- ☐ All of the RRSP’s in my name or in which I have an interest;
- ☐ All of the pensions in my name or in which I have an interest;
- ☐ All of the term deposit certificates in my name or in which I have an interest;
- ☐ All of the guaranteed investment certificates in my name or in which I have an interest;
- ☐ All of the stock accounts in my name or in which I have an interest; and
- ☐ Any other investments in my name or in which I have an interest *(listed below)*

Name(s) on Account	Type of Investment

16. ☐ I do not attach a list of exemptions claimed as matrimonial property is not in issue.

☐ The exemptions I am claiming with respect to matrimonial property are the following: *(listed below)*

Description of Property	Reason for Exemption	Value Claimed

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17. I have the following other information about my financial situation:

____
____
____
____
____
____
____
(Describe)

Sworn (OR Affirmed) before me
on________________________, 20 _____
at ________________________, Alberta.

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

____
Signature of person swearing / affirming Affidavit

I.D. Verified________________________

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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)

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B. ASSETS

	Asset	Particulars	Date Acquired	Value (Estimated)
1.	**Real Estate:** *(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.* *Record encumbrances under debts)*			
2.	**Vehicles:** *(List cars, trucks, motorcycles, trailers, motor homes, boats, etc.)*			
3.	**Financial Assets:** *(List savings and chequing accounts, term deposits, GIC's, stocks, bonds, Canada Savings Bonds, mutual funds, insurance policies (indicate beneficiaries), accounts receivable, etc.)*			
4.	**Pensions and RRSP's:** *(Indicate name of institution where accounts are held, name and address of pension plan and pension details)*			
5.	**Corporate / Business Interests:** *(List any interest you hold, directly or indirectly, in any corporation, unincorporated business, partnership, trust, joint venture, etc.)*			
6.	**Other:** *(List anything else of value that you own, including precious metals, collections, works of art, jewelry or household items of high value.)* *(Include location of any safety deposit boxes)*			

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C. DEBTS

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

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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.

____
Signature of person making the solemn declaration

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

____
(Print Name and expiry / Lawyer / Student-at-Law)

NOTE: It is an offence to make a false declaration

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