

Form 56A.06B

(rule 56A.06)

In the Supreme Court of Newfoundland and Labrador
Trial Division (General / Family)

Court No. _____
Court File No. _____
Central Divorce Registry No. _____ (if applicable)

BETWEEN: _____ APPLICANT
AND: _____ RESPONDENT

Notice to Respondent

An Originating Application for Variation has been made for an order against you. The details are set out in the attached Originating Application for Variation.

If you dispute any of the claims or if you wish to make a claim yourself, you must file a Response at the Court within the following times:

If served anywhere in Canada or the United States, within 30 days from the date of service.

If served outside of Canada or the United States, within 60 days from the date of service.

If you do not file a Response, the Court may proceed without giving you further notice.

You must file a financial statement in Form 56A.27A if spousal, partner or parental support is claimed.

If the application relates to child support, you must also file with the Court and serve on the Applicant each of the following within the time set out above:

- ▶ written statement from your employer confirming your year to date earnings, including overtime and rate of annual pay;
- ▶ copies of your tax return for the last 3 years; and
- ▶ copies of the notices of assessment or re-assessment issued by Canada Revenue Agency with respect to each of the last 3 years tax returns. You may contact Canada Revenue Agency at 1-800-959-8281.

If you have income from self-employment, a partnership, or a corporation in which you have a controlling interest, or if you are a beneficiary of a trust, you **must** also **comply** with subsection 21(1) of the *Federal Child Support Guidelines (Canada)* and section 19 of the provincial *Child Support Guidelines Regulations*. For more information relating to child support, consult the *Federal or Provincial Child Support Guidelines*.

The financial information outlined above and a financial statement in Form 56A.27A must be provided as well if there is a claim for Special/Extraordinary Expenses or Undue Hardship.

If you do not file the required documentation, an order may be made and enforced against you.

Dated this _____ day of _____, 20_____.

Registrar of the Supreme Court
of Newfoundland and Labrador

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Trial Division (General / Family)

Court No. _____
Court File No. _____
Central Divorce Registry No. _____ (if applicable)

BETWEEN: _____ APPLICANT

AND: _____ RESPONDENT

Originating Application for Variation

To this Honourable Court at: *(check the location where you wish this matter to be heard and note the filing requirements)*

IF YOU WISH YOUR MATTER TO BE HEARD IN ...	THEN YOU MUST FILE YOUR DOCUMENTS <u>IN</u> ...
<input type="checkbox"/> Clarenville (Grand Bank circuit)	Grand Bank
<input type="checkbox"/> Corner Brook	Corner Brook at the Family Division
<input type="checkbox"/> Gander	Gander
<input type="checkbox"/> Grand Bank	Grand Bank
<input type="checkbox"/> Grand Falls-Windsor	Grand Falls-Windsor
<input type="checkbox"/> Happy Valley-Goose Bay	Happy Valley-Goose Bay
<input type="checkbox"/> Port aux Basques (Corner Brook circuit)	Corner Brook at the Family Division
<input type="checkbox"/> Rocky Harbour (Corner Brook circuit)	Corner Brook at the Family Division
<input type="checkbox"/> St. Anthony (Corner Brook circuit)	Corner Brook at the Family Division
<input type="checkbox"/> St. John's	St. John's at the Family Division
<input type="checkbox"/> Stephenville (Corner Brook circuit)	Corner Brook at the Family Division
<input type="checkbox"/> Wabush (Happy Valley-Goose Bay circuit)	Happy Valley-Goose Bay

1. I/We hereby seek a change of an existing order for the following:

- | | |
|--|--|
| <input type="checkbox"/> Spousal Support | <input type="checkbox"/> Child Support |
| <input type="checkbox"/> Partner Support | <input type="checkbox"/> Custody |
| <input type="checkbox"/> Parental Support | <input type="checkbox"/> Access |
| <input type="checkbox"/> To file a Consent Variation | |

made by Justice *(name of Judge)* _____ at the *(name of court)* _____ at *(place of court)* _____, in the

Province of _____ on the _____ day of _____, 20____.

2. I also request costs of this Application.

3.

	Applicant	Respondent
Marital Status		
Address		
City/Town		
Province		
Postal Code		
Telephone Number		

4.

Child's Full Name	Date of Birth	Child Resides With

5. The *present* parenting (custody and access) arrangements are:

6. I request the following *changes(s)* to the present parenting (custody and access) arrangements:

7. The *present* arrangements for the support of the child(ren) is/are:

8. I request the following *change(s)* to the present child support order:

9. The *present* arrangements for spousal, parent or partner support are:

10. I request the following *change(s)* to the spousal, parent or partner support order:

11. The amount of arrears owing under the present Support Order is: \$_____.

12. The reasons(s) that such a variation should be made is/are:

I, _____, the Applicant, declare the contents of the within Originating Application for Variation are true to the best of my information and belief.

SWORN TO OR AFFIRMED at _____ in the Province of Newfoundland and Labrador this _____ day of _____, 20____.

Commissioner of Oaths/Justice of the Peace

Signature of Applicant

Name/Address of Applicant's Solicitor
(if applicable)

ATTACH (in addition to the requirements under Rule 56A):

- 1) if existing custody, access or support order granted by another court, a certified copy of the existing order;
- 2) a copy of an agreement between the parties dealing with custody, access or support;
- 3) a financial statement in Form 56A.27A if claiming child support (special expenses or undue hardship) or spousal support.

Filed at _____, Newfoundland and Labrador this ____ day of _____, 20____.

Registrar of the Supreme Court
of Newfoundland and Labrador

NOTE:

This document, which includes the Notice to Respondent, Originating Application for Variation and Financial Statement (if applicable), shall be served on the Respondent by an adult other than the Applicant in accordance with the Rules of the Supreme Court, 1986 .

Schedule A**Claim for Special/Extraordinary Expenses:**

Under the *Federal or Provincial Child Support Guidelines*, a claim is made for additional support to defray the following special expenses: (*check appropriate items*)

1. Child care expenses incurred as a result of the custodial parent's employment or training for employment, illness, disability, education:

Monthly \$ _____ **Yearly \$** _____

2. A portion of medical and dental insurance premiums:

Monthly \$ _____ **Yearly \$** _____

3. Health related expenses that exceed insurance reimbursement by at least \$100 annually per illness or event, including orthodontic treatment, professional counselling provided by a psychologist, social worker, psychiatrist or any other person, physiotherapy, occupational therapy, speech therapy and prescription drugs, hearing aids, glasses and contact lenses:

Monthly \$ _____ **Yearly \$** _____

4. Extraordinary expenses for primary or secondary school education or for educational programs that meet the child's particular needs:

Monthly \$ _____ **Yearly \$** _____

5. Post-secondary education expenses:

Monthly \$ _____ **Yearly \$** _____

6. Extraordinary expenses for extracurricular activities:

Monthly \$ _____ **Yearly \$** _____

The amount claimed is \$ _____, taking into account subsidies, benefits and income tax deductions or credits relating to the expense.

Schedule B**Claim based on undue hardship:**

Under the *Federal or Provincial Child Support Guidelines*, a claim is made for an amount of support different from that which would be awarded under the provincial payment schedules contained in Schedule I of the *Federal Child Support Guidelines (Canada)* based upon undue hardship.

1. I have responsibility for an unusually high level of debts reasonably incurred to support my spouse/child(ren) before the separation or to earn a living.

Amount \$ _____

2. I have unusually high expenses in relation to the exercise of my access rights.

Amount \$ _____

3. I have a legal duty under a judgment, order or written separation agreement for support.

Amount \$ _____

4. I have a legal duty to support a child, other than a child of the marriage who is

- under the age of majority:

OR

- the age of majority or over but unable by reason of illness, disability or other cause to obtain the necessities of life.

Amount \$ _____

5. I have a legal duty to support (*identify individual*) _____ who is unable to obtain the necessities of life due to an illness or disability.

Amount \$ _____