

Form 56A.12A

(rule 56A.12)

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 Applicant

A Response may have been made for an order against you. The details are set out in the attached Response. If you dispute any of the claims or if you wish to make a claim yourself, you must file a Reply at the Court within 10 days from the date of service.

If you do not file a Reply, 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.

You must file a property statement in Form 56A.27C if a division of matrimonial property or property claim by common law spouses is claimed.

If the application relates to child support, you must also file with the Court and serve on the Respondent 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

Response

1. I do not contest any of the claims made by the Applicant.

OR

I agree to the following claims made by the Applicant: _____

AND

I disagree with the following claims made by the Applicant: _____

2. I am making the following claim(s):

- Divorce (**attach Schedule A**)
- Parenting (**attach Schedule B**)
- Child Support and/or Spousal, Partner or Parental Support (**attach Schedule C**)
- Division of Matrimonial Property or a Property Claim by Common Law Spouses (**attach Schedule D**)
- Other: (*specify*) _____

I, _____, the Respondent, declare the contents of the within Response are true to the best of my information and belief.

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

Commissioner of Oaths/Justice of the Peace

Signature of Respondent

Address for Service of Respondent

NOTE:

Where the Response includes a claim for Divorce, this document, which includes the Notice to the Applicant, Response, relevant Schedules, Financial Statement (if applicable) and Property Statement (if applicable), must be personally served on the Applicant by an adult other than the Respondent.

Where the Response includes any claim under paragraph 2 (but not a claim for Divorce), this document, which includes the Notice to the Applicant, Response, relevant Schedules, Financial Statement (if applicable) and Property Statement (if applicable), must be served in accordance with the Rules of the Supreme Court, 1986.

Schedule A to Response (Claim for Divorce)

You must include an original marriage certificate unless paragraph A6 applies

Divorce

A1. My ground for seeking a divorce is a permanent breakdown of the marriage which has been established by:

- (i) we have lived separate and apart for at least one year immediately preceding the determination of the divorce proceeding and were living separate and apart at the commencement of the proceeding;

OR

- (ii) the Applicant has, since celebration of the marriage,
 - committed adultery (*provide details of where and when*)

OR

- treated me with physical and/or mental cruelty of such a kind as to render our continued cohabitation intolerable (*provide details*)

and there has been no condonation or connivance on my part with respect to the conduct alleged above.

A2. It is no longer possible for me to reconcile or resume cohabitation with my spouse.

A3. I have not entered into any agreement with my spouse or any other person to deceive this Court.

A4. I have/My spouse has been ordinarily resident in the Province of Newfoundland and Labrador for at least one year immediately preceding the date of this application.

A5. Particulars of my marriage:

(i) Date of marriage _____.

(ii) Place of marriage _____.

(iii) Date I ceased cohabiting with my spouse _____.

(iv) Immediately prior to the marriage I was:
 Single Divorced Widowed

My spouse was:
 Single Divorced Widowed

A6. (Where no certificate of marriage or of registration of marriage has been filed.) It is impossible or impractical to obtain a certificate of marriage or of registration of marriage.

To be completed where claim includes divorce and the Respondent is represented by a solicitor

Statement of Solicitor

I, _____, the Solicitor for _____, the Respondent herein, certify to this Court that I have complied with the requirements of section 9 of the *Divorce Act* (Canada).

Dated at _____, this ____ day of _____, 20__.

Signature of Solicitor

Address of Solicitor

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

Registrar of the Supreme Court
of Newfoundland and Labrador

**Schedule B to Response
(Claim for Parenting)**

B1. Children:

Child's Full Name	Place & Date of Birth	Child Resides With

B2. The *present* parenting (custody and access) arrangements are:

B3. The *proposed* parenting (custody and access) arrangements are:

B4. The *present* arrangements for the support of the child(ren) is/are:

B5. The *proposed* arrangements for the support of the child(ren) is/are:

Schedule C to Response
(Claim for Child Support and/or Spousal, Partner or Parental Support)

C1. Child Support

- I am claiming the basic table amount as per the *Federal Child Support Guidelines (Canada)*.

(If any of the following apply, you must file a Financial Statement in Form 56A.27A)

- I am claiming the basic table amount plus an amount for special expenses. *(complete and attach Schedule E of the Financial Statement)*
- I am not claiming the basic table amount but I am claiming an amount for special expenses. *(complete and attach Schedule E of the Financial Statement)*
- I am claiming an amount for child support which is different from the basic table amount in the *Federal Child Support Guidelines (Canada)* because:
 - (a) of a claim for undue hardship. *(complete and attach Schedules F and G of the Financial Statement)*
 - (b) the child(ren) is/are at or over the age of majority.
 - (c) I exercise a right of access to, or have physical custody of the child(ren) for not less than 40% of the time over the course of the year.
 - (d) we have agreed to an amount of support.
 - (e) of special provisions as per subsection 15.1(5) of the *Divorce Act (Canada)*.
 - (f) income is in excess of \$150,000.00 annually.

C2. Spousal, Partner or Parental Support *(you must file a Financial Statement in Form 56A.27A)*

- I am claiming spousal, partner or parental support. My reasons for claiming spousal, partner or parental support are: _____

Schedule D to Response
(Claim for Division of Matrimonial Property or Property Claim
by Common Law Spouses)

D1. Claim for Division of Matrimonial Property pursuant to the *Family Law Act*. (*you must file a Statement of Property in Form 56A.27C*)

a) I am claiming

Exclusive possession of the matrimonial home

Division of property

Equal

OR

Unequal

Other: (*specify*) _____

b) The reasons for my claim are _____

D2. Claim by Common Law Spouses (*you must file a Statement of Property in Form 56A.27C with necessary changes for common law claim*)

(a) I am claiming: (*specify*) _____

