

Form 56A.06A

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

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.

You must file a property statement in Form 56A.27C if a claim for division of matrimonial property or a claim for division of property of common law spouses has been made.

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

Form 56A.06A

(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

Originating Application

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 <u>MUST</u> FILE YOUR DOCUMENTS IN ...
<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 an order for the following:

- | | | |
|--|---|---|
| <input type="checkbox"/> Divorce | <input type="checkbox"/> Spousal Support | <input type="checkbox"/> To File a Consent Order |
| <input type="checkbox"/> Child Support | <input type="checkbox"/> Parental Support | <input type="checkbox"/> Costs |
| <input type="checkbox"/> Custody | <input type="checkbox"/> Partner Support | <input type="checkbox"/> Other (<i>specify</i>) _____ |
| <input type="checkbox"/> Access | | (attach details to this application) |
| <input type="checkbox"/> Division of Matrimonial Property | | |
| <input type="checkbox"/> Claim for Property made by Common Law Spouses | | |

Where claim includes divorce

2. My/Our grounds for seeking a divorce are a permanent breakdown of the marriage which has been established by:

a. 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

b. the Respondent 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.

- 3. It is no longer possible for me to reconcile or resume cohabitation with my spouse.
- 4. I have not entered into any agreement with my spouse or any other person to deceive this Court.
- 5. I/My spouse has/have been ordinarily resident in the Province of Newfoundland and Labrador for at least one year immediately preceding the date of this application.
- 6. Particulars of my marriage:
 - (a) Date of marriage _____.
 - (b) Place of marriage _____.
 - (c) Date I ceased cohabiting with my spouse _____.
 - (d) Immediately prior to the marriage I was:
 - Single Divorced Widowed

My spouse was:

- Single Divorced Widowed

7. (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 for all claims other than divorce

(a) That the parties were married on _____ and separated _____; and

an originating application for divorce has been commenced in the Supreme Court at (place) _____ (province) _____ but has not yet been heard;

OR

an originating application for divorce has not been commenced.

OR

(b) That the parties were divorced on _____ in the _____ Court at (place) _____ (province) _____.

OR

(c) That the parties were never married but lived together from _____ to _____.

OR

(d) That the parties were never married and never lived together but were in a relationship that began _____ and ended _____.

OR

(e) Other (provide details): _____.

To be completed for all claims (if applicable):

8.

	Applicant	Respondent
Surname at birth		
Place of Birth		
Date of Birth		

Present Address (include postal code)		
Phone Number		

9. (a) Children:

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

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

(c) The **proposed** parenting (custody and access) arrangements are as follows:

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

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

10. Listed below are all written agreements and court orders affecting the child(ren), me, or my spouse _____

11. Child Support

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

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

I am claiming the basic table amount plus an amount for special expenses.
(complete Schedule A attached)

- I am not claiming the basic table amount but I am claiming an amount for special expenses. (*complete Schedule A attached*)
- 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 Schedule "B" attached*)
 - (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 annually.

12. Spousal, Partner Or Parental Support

- I am not claiming spousal, partner or parental support.
- I am claiming spousal, partner or parental support. I am attaching a Financial Statement in Form 56A.27A. My reasons for claiming spousal, partner or parental support are
-
-

13. Property

A. Claim

I have attached a Property Statement (in Form 56A.27C). I am claiming the following:

- Exclusive possession of the matrimonial home (*complete paragraph 13(b) below*)
- Division of property
 - Equal (*skip paragraph 13(b)*)
- OR**
- Unequal (*complete paragraph 13(b) below*)
- Other _____ (*complete paragraph 13(b) below*)

B. The reasons for my claim are _____

14. Other Claims _____

I/We, _____, the Applicant (Co-Applicants), declare the contents of the within originating application 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(s)

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

NOTE:

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

Where the Originating Application includes any other claim but not a Divorce, this document, which consists of the Notice to the Respondent, Originating Application, Financial Statement (if applicable) and Property Statement (if applicable), must be served in accordance with the Rules of the Supreme Court, 1986.

To be completed where claim includes divorce and Applicant(s) is/are represented by a solicitor

Statement of Solicitor

I, _____, the Solicitor for _____, the Applicant 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 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 \$ _____