

Reply to a Counterclaim

FORM 8

Provincial Court Family Rules

Rule 36

Registry location:	
Court File Number:	

1. My name is *[full name of party]*. I am replying to the counterclaim made by *[full name of other party]*.

Replying to the Other Party's Counterclaim

2. **I agree with the following order(s) applied for by the other party:**

Refer to the Reply to a Family Law Matter with Counterclaim schedules as referenced below to assist in completing this section

Select all options that apply

Parenting Arrangements

Parenting arrangements – new *[see Schedule 11 of Counterclaim]*

- ☐ parental responsibilities
- ☐ parenting time
- ☐ conditions on parenting time

Parenting arrangements order/agreement – existing *[see Schedule 12 of Counterclaim]*

- ☐ change to parental responsibilities
- ☐ change to parenting time
- ☐ change to conditions on parenting time

Child support

- ☐ child support – new *[see Schedule 13 of Counterclaim]*
- ☐ child support order/agreement – existing *[see Schedule 14 of Counterclaim]*

Contact with a child

- ☐ contact with a child – new *[see Schedule 15 of Counterclaim]*
- ☐ contact order/agreement – existing *[see Schedule 16 of Counterclaim]*

Guardianship of a child

- ☐ appointing a guardian of a child *[see Schedule 17 of Counterclaim]*
- ☐ cancelling guardianship of a child *[see Schedule 18 of Counterclaim]*

Spousal support

- ☐ spousal support – new *[see Schedule 19 of Counterclaim]*
- ☐ spousal support order/written agreement – existing *[see Schedule 20 of Counterclaim]*

3. **I do not agree to all or part of the following order(s) applied for by the other party:**

Refer to the Reply to a Family Law Matter with Counterclaim schedules to assist in completing this section

Select all options that apply, complete and attach the required schedule(s)

Parenting Arrangements

Parenting arrangements – new *[complete and attach Schedule 1]*

- ☐ parental responsibilities
- ☐ parenting time
- ☐ conditions on parenting time

Parenting arrangements order/agreement – existing *[complete and attach Schedule 2]*

- ☐ change to parental responsibilities
- ☐ change to parenting time
- ☐ change to conditions on parenting time

Child support

- ☐ child support – new *[complete and attach Schedule 3]*
- ☐ child support order/agreement – existing *[complete and attach Schedule 4]*

Contact with a child

- ☐ contact with a child – new *[complete and attach Schedule 5]*
- ☐ contact order/agreement – existing *[complete and attach Schedule 6]*

Guardianship of a child

- ☐ appointing a guardian of a child *[complete and attach Schedule 7]*
- ☐ cancelling guardianship of a child *[complete and attach Schedule 8]*

Spousal support

- ☐ spousal support – new *[complete and attach Schedule 9]*
- ☐ spousal support order/written agreement – existing *[complete and attach Schedule 10]*

IMPORTANT NOTE: If this family law case includes a counterclaim for support, you must provide your financial information with this reply, as required by the instructions on the financial statement, by completing and filing a Financial Statement in Form 4.

If a you do not give your complete, true, and up-to-date financial information when needed, the court can:

- order that the income information be provided
- assume a party's income is a certain amount for support purposes and make an order based on it
- require a party to give security
- require a party to pay the other party's expenses, an amount to the other party up to \$5,000, or a fine up to \$5,000
- make any other order the court considers appropriate

SCHEDULE 1 – REPLY TO A COUNTERCLAIM ABOUT PARENTING ARRANGEMENTS - NEW

This is Schedule 1 to the Reply to a Counterclaim

This schedule must be completed only if you are disagreeing with a new counterclaim by the other party about parenting arrangements for the child or children. The order they applied for about parenting arrangements can be found in Schedule 11 of their Reply to a Family Law Matter with Counterclaim.

1. I do not agree to all or part of the following order(s) about parenting arrangements applied for by the other party:

Select all options that apply and complete the required part(s)

- ☐ parental responsibilities *(complete Part 1 of this schedule)*
- ☐ parenting time schedule *(complete Part 2 of this schedule)*
- ☐ conditions on parenting time *(complete Part 3 of this schedule)*

PART 1 – REPLY TO A COUNTERCLAIM – PARENTAL RESPONSIBILITIES

Complete this part only if you are disagreeing with an order in the counterclaim about parental responsibilities requested by the other party. You may leave this part blank.

1. I do not agree with the requested allocation of parental responsibilities because:

2. I am asking for the parental responsibilities to be exercised by the guardians as follows:

3. I believe the parental responsibilities I am asking for are in the child(ren)'s best interests because:

PART 2 – REPLY TO A COUNTERCLAIM – PARENTING TIME SCHEDULE

Complete this part only if you are disagreeing with an order in the counterclaim about the parenting time schedule requested by the other party. You may leave this part blank.

1. I do not agree with the requested parenting time schedule because:

2. I am asking for the parenting time schedule to be as follows:

3. I believe my requested parenting time schedule is in the child(ren)'s best interests because:

PART 3 – REPLY TO A COUNTERCLAIM – CONDITIONS ON PARENTING TIME

Complete this part only if you are disagreeing with an order in the counterclaim about the conditions on parenting time requested by the other party. You may leave this part blank.

1. I do not agree with the requested conditions on my parenting time or the other guardian's parenting time because:

2. I am asking for the conditions on my parenting time or the other guardian's parenting time to be as follows:

3. I believe the conditions I have asked for on parenting time are in the child(ren)'s best interests because:

SCHEDULE 2 – REPLY TO A COUNTERCLAIM ABOUT PARENTING ARRANGEMENTS – EXISTING

This is Schedule 2 to the Reply to a Counterclaim

This schedule must be completed only if you are disagreeing with a counterclaim by the other party to change or cancel an existing final order about parenting arrangements, or to set aside or replace all or part of an agreement about parenting arrangements, for the child or children. The order they applied for about parenting arrangements can be found in Schedule 12 of their Reply to a Family Law Matter with Counterclaim.

1. *Select only one of the options below*

- ☐ I agree that needs or circumstances have changed since the final order about parenting arrangements was made
- ☐ There has been no change in needs or circumstances since the final order about parenting arrangements was made
- ☐ I agree the agreement about parenting arrangements is not in the best interests of the child(ren)
- ☐ I believe the agreement about parenting arrangements is in the best interests of the child(ren)

2. I do not agree with the requested order about the existing final order or agreement because:

3. *Select only one of the options below*

- ☐ I am applying for the existing final order or agreement about parenting arrangements to continue to be in place
- ☐ I am applying to change or replace the existing final order or agreement about parenting arrangements as follows:

4. I believe the order about parenting arrangements I am applying for is in the child(ren)'s best interests because:

SCHEDULE 3 – REPLY TO A COUNTERCLAIM ABOUT CHILD SUPPORT – NEW

This is Schedule 3 to the Reply to a Counterclaim

This schedule must be completed only if you are disagreeing with a new counterclaim by the other party about child support. The order they applied for about child support can be found in Schedule 13 of their Reply to a Family Law Matter with Counterclaim.

1. I am:

- ☐ a parent to the child(ren)
- ☐ a person standing in the place of a parent to the child(ren) *(for example, a step-parent)*
- ☐ not a parent of the child(ren)
 - ☐ I request a parentage test *(check only if applicable)*
- ☐ not a person standing in the place of a parent to the child(ren)

2. I do not agree with the order about child support requested by the other party because:

Select all options that apply and complete the required information

- ☐ my income is not what the other party claims it is
- ☐ the other party's income is not what they claim it is

Explain below

- ☐ I believe the special and extraordinary expenses are not what the other party claims they are

Explain below

- ☐ the living arrangements for the child(ren) are not as described

Describe the child(ren)'s living arrangements below

- ☐ the amount would cause me undue hardship because:

Note: If this option applies to your situation, you will need to complete the undue hardship portion of the Financial Statement, Part 4 and Part 5, in addition to any other required parts

- ☐ I have an unusual or excessive amount of debt I incurred to support the family prior to separation or to earn a living
- ☐ I have unusually high expenses to exercise parenting time or contact with the child(ren)
- ☐ I have a legal duty to support another person, such as an ill or disabled person or a former spouse
- ☐ I have a legal duty to support a dependent child from another relationship
- ☐ other undue hardship circumstances *(specify)*:

- ☐ other reason *(specify)*:

3. *Select only one of the options below*

- ☐ I have completed a Financial Statement in Form 4
- ☐ I am not able to complete a financial statement at this time and I have completed an Application for Case Management Order Without Notice or Attendance in Form 11 requesting to waive the requirement to file this reply with a completed financial statement

4. *Select only one of the options below*

- ☐ I am attaching calculations showing how much I believe should be paid for child support according to the child support guidelines
- ☐ I am not attaching calculations because:

IMPORTANT NOTE:

This family law case includes a counterclaim about child support. You must provide your financial information with your reply to the counterclaim by completing and filing a Financial Statement in Form 4.

If a you do not give your complete, true, and up-to-date financial information when needed, the court can:

- order that the income information be provided
- assume a party's income is a certain amount for support purposes and make an order based on it
- require a party to give security
- require a party to pay the other party's expenses, an amount to the other party up to \$5,000, or a fine up to \$5,000
- make any other order the court considers appropriate

SCHEDULE 4 – REPLY TO A COUNTERCLAIM ABOUT CHILD SUPPORT – EXISTING

This is Schedule 4 to the Reply to a Counterclaim

This schedule must be completed only if you are disagreeing with a counterclaim by the other party to change or cancel an existing final order about child support, or to set aside or replace all or part of an existing agreement about child support. The order they applied for about child support can be found in Schedule 14 of their Reply to a Family Law Matter with Counterclaim.

1. *Select only one of the options below*

- ☐ I agree that circumstances have changed since the final order about child support was made
- ☐ There has been no change in circumstances since the final order about child support was made
- ☐ I agree the agreement about child support should be set aside or replaced
- ☐ I believe the agreement about child support was made on consideration of s.150 of the *Family Law Act*

2. I do not agree with the requested order about the existing final order or agreement about child support because:

3. *Select only one of the options below*

- ☐ I am applying for the existing final order or agreement about child support to continue to be in place
- ☐ I am applying to change or replace the existing final order or agreement about child support as follows:

4. *Select only one of the options below*

- ☐ I am attaching calculations showing how much child support I believe should be paid according to the child support guidelines
- ☐ I am not attaching calculations because:

5. *Select only one of the options below*

- ☐ I agree that the amount of unpaid child support (arrear) in the counterclaim is correct
- ☐ The amount of unpaid child support (arrear) in the counterclaim is not correct. As of [mmm/dd/yyyy], the amount of unpaid child support (arrear) was \$

IMPORTANT NOTE:

This family law case includes a counterclaim to change an existing final order or agreement about child support. You must provide updated financial information with your reply to the counterclaim by completing and filing a Financial Statement in Form 4.

If a you do not give your complete, true, and up-to-date financial information when needed, the court can:

- order that the income information be provided
- assume a party's income is a certain amount for support purposes and make an order based on it
- require a party to give security
- require a party to pay the other party's expenses, an amount to the other party up to \$5,000, or a fine up to \$5,000
- make any other order the court considers appropriate

SCHEDULE 5 – REPLY TO A COUNTERCLAIM ABOUT CONTACT WITH A CHILD – NEW

This is Schedule 5 to the Reply to a Counterclaim

This schedule must be completed only if you are disagreeing with a new counterclaim by the other party about contact with a child or children. The order they applied for about contact can be found in Schedule 15 of their Reply to a Family Law Matter with Counterclaim.

1. I do not agree that the other party should have contact with the child(ren) the other party requested. Instead, I ask that the other party's contact with the child(ren) be as follows:

Select all options that apply and complete the required information

☐ no contact of any type

☐ in person:

Provide specific dates requested, or dates and times that would be most suitable

☐ telephone communication

☐ video communication

☐ written communication

☐ other method of communication (*specify*):

Complete only if applicable

I am applying to have the following conditions placed on the contact with the child(ren):

2. I believe the order about contact I am applying for is in the child(ren)'s best interests because:

SCHEDULE 6 – REPLY TO A COUNTERCLAIM ABOUT CONTACT WITH A CHILD – EXISTING

This is Schedule 6 to the Reply to a Counterclaim

This schedule must be completed only if you are disagreeing with a counterclaim by the other party to change or cancel an existing final order about contact, or to set aside or replace an existing agreement about contact, with a child or children. The order they applied for about contact can be found in Schedule 16 of their Reply to a Family Law Matter with Counterclaim.

1. *Select only one of the options below*

- ☐ I agree that needs or circumstances have changed since the final order about contact was made
- ☐ There has been no change in needs or circumstances since the final order about contact was made
- ☐ I agree the agreement is not in the best interests of the child(ren)
- ☐ I believe the agreement is in the best interests of the child(ren)

2. I do not agree with the requested order about the existing final order or agreement about contact with a child or children because:

3. *Select only one of the options below*

- ☐ I am applying for the existing final order or agreement about contact with a child or children to continue to be in place
- ☐ I am applying to change or replace the existing final order or agreement about contact with a child or children as follows:

4. I believe the order about contact I am applying for is in the child(ren)'s best interests because:

SCHEDULE 7 – REPLY TO A COUNTERCLAIM ABOUT APPOINTING A GUARDIAN OF A CHILD OR CHILDREN

This is Schedule 7 to the Reply to a Counterclaim

This schedule must be completed only if you are disagreeing with a counterclaim by the other party to be appointed as a guardian of a child or children. The order they applied for about guardianship of a child can be found in Schedule 17 of their Reply to a Family Law Matter with Counterclaim.

1. I do not believe it is in the best interests of the child(ren) for the other party to become a guardian of the child(ren) because:

Select all options that apply and explain why

- ☐ the other party is not able to be a guardian because:

- ☐ the other party is not suitable to be a guardian because:

- ☐ other reason(s) (specify):

DRAFT

SCHEDULE 8 – REPLY TO A COUNTERCLAIM ABOUT CANCELLING GUARDIANSHIP OF CHILD OR CHILDREN

This is Schedule 8 to the Reply to a Counterclaim

This schedule must be completed only if you are disagreeing with a counterclaim by the other party to cancel guardianship of a child or children. The order they applied for about cancelling guardianship can be found in Schedule 18 of their Reply to a Family Law Matter with Counterclaim.

1. Do not cancel guardianship of the child(ren) as requested because:

Select all options that apply and explain why

- ☐ the guardian is able and willing to be a guardian because:

- ☐ the guardian is suitable to be a guardian because:

- ☐ the guardian does not consent to cancellation of their guardianship because:

- ☐ other reason(s) (*specify*):

2. I believe it is not in the best interests of the child(ren) to cancel guardianship as requested by the other party because:

SCHEDULE 9 – REPLY TO A COUNTERCLAIM ABOUT SPOUSAL SUPPORT – NEW

This is Schedule 9 to the Reply to a Counterclaim

This schedule must be completed only if you are disagreeing with a new counterclaim by the other party about spousal support. The order they applied for about spousal support can be found in Schedule 19 of their Reply to a Family Law Matter with Counterclaim.

1. *Select only one of the options below*

- ☐ I am (or was) the other party's spouse
- ☐ I have never been the other party's spouse

2. I do not agree with the order about spousal support requested by the other party because:

Select all options that apply and complete the required information

- ☐ I do not believe the other party is entitled to spousal support

Explain below

- ☐ my income is not what the other party claims it is

- ☐ my employment, training, health and ability to work is not what the other party claims it is

Explain below

- ☐ the other party's financial situation is not what they claim it is

Explain below

- ☐ I believe the other party's employment, training, health and ability to work is not what the other party claims it is

Explain below

- ☐ the other party's expenses are not what they claim them to be

Explain below

- ☐ other reason (*specify*):

3. The order for spousal support that I believe should be made is as follows:

Select all options that apply and complete the required information

- ☐ in the amount of \$ _____ per month to commence on [mmm/dd/yyyy] until [mmm/dd/yyyy]
- ☐ in a lump sum of \$ _____
- ☐ other (specify): _____

4. *Select only one of the options below*

- ☐ I am attaching calculations showing how much spousal support I believe should be paid according to the Spousal Support Advisory Guidelines
- ☐ I am not attaching calculations because: _____

5. *Select only one of the options below*

- ☐ I have completed a Financial Statement in Form 4
- ☐ I am not able to complete a financial statement at this time and I have completed an Application for Case Management Order Without Notice or Attendance in Form 11 requesting to waive the requirement that this reply be filed with a completed financial statement

IMPORTANT NOTE:

This family law case includes a counterclaim spousal support. You must provide your financial information with your reply to the counterclaim by completing and filing a Financial Statement in Form 4.

If a you do not give your complete, true, and up-to-date financial information when needed, the court can:

- order that the income information be provided
- assume a party's income is a certain amount for support purposes and make an order based on it
- require a party to give security
- require a party to pay the other party's expenses, an amount to the other party up to \$5,000, or a fine up to \$5,000
- make any other order the court considers appropriate

SCHEDULE 10 – REPLY TO A COUNTERCLAIM ABOUT SPOUSAL SUPPORT – EXISTING

This is Schedule 10 to the Reply to a Counterclaim

This schedule must be completed only if you are disagreeing with a counterclaim by the other party to change or cancel an existing final order about spousal support, or to set aside or replace all or part of an existing written agreement about spousal support. The order they applied for about spousal support can be found in Schedule 20 of their Reply to a Family Law Matter with Counterclaim.

1. *Select only one of the options below*

- ☐ I agree that circumstances have changed since the final order about spousal support was made
- ☐ There has been no change in circumstances since the final order about spousal support was made
- ☐ I agree the circumstances were as described by the other party when the written agreement about spousal support was made
- ☐ I do not believe the circumstances as described by the other party existed when the written agreement about spousal support was made

2. *Select only one of the options below*

- ☐ I agree that the amount of unpaid spousal support (arrears) in the counterclaim is correct
- ☐ The amount of unpaid spousal support (arrears) in the counterclaim is not correct. As of [mmm/dd/yyyy], the amount of unpaid spousal support (arrears) was \$

3. I do not agree with the requested order about the existing final order or written agreement about spousal support because:

4. *Select only one of the options below*

- ☐ I am applying for the existing final order or written agreement about spousal support to continue to be in place
- ☐ I am applying to change or replace the existing final order or written agreement about spousal support as follows:

5. *Select only one of the options below*

- ☐ I am attaching calculations showing how much spousal support I believe should be paid according to the Spousal Support Advisory Guidelines
- ☐ I am not attaching calculations because:

6. *Select only one of the options below*

- ☐ I have completed a Financial Statement in Form 4
- ☐ I am not able to complete a financial statement at this time and I have completed an Application for Case Management Order Without Notice or Attendance in Form 11 requesting to waive the requirement that this reply be filed with a completed financial statement

IMPORTANT NOTE:

This family law case includes a counterclaim to change or replace a final order or written agreement about spousal support. You must provide updated financial information with your reply to the counterclaim by completing and filing a Financial Statement in Form 4.

If a you do not give your complete, true, and up-to-date financial information when needed, the court can:

- order that the income information be provided
- assume a party's income is a certain amount for support purposes and make an order based on it
- require a party to give security
- require a party to pay the other party's expenses, an amount to the other party up to \$5,000, or a fine up to \$5,000
- make any other order the court considers appropriate