

Reply to a Counterclaim

Provincial Court (Family) Rules

Early Resolution and Case Management Registry

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) asked 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 – new *[see Schedule 11 of Counterclaim]*

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

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

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

Child Support

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

Contact

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

Guardianship

- ☐ become a guardian *[see Schedule 17 of Counterclaim]*
- ☐ terminate guardianship *[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) asked 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 – new *[Complete and attach Schedule 1]*

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

Parenting order/written agreement – existing *[Complete and attach Schedule 2]*

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

Child Support

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

Contact

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

Guardianship

- ☐ become a guardian *[Complete and attach Schedule 7]*
- ☐ terminate guardianship *[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 D.

SCHEDULE 1 – REPLY TO A CLAIM 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 orders they asked 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 parenting arrangement order(s) asked for by the other party:

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

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

SCHEDULE 1 PART 1 – Reply to a Counterclaim – Parenting time schedule

Complete this part only if you are disagreeing with a counterclaim about the parenting time schedule requested by the other party.

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:

SCHEDULE 1 PART 2 – Reply to a Counterclaim – Conditions on Parenting time

Complete this part only if you are disagreeing with a counterclaim about the conditions on parenting time requested by the other party.

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 1 PART 3 – Reply to a Counterclaim – Parenting Responsibilities

Complete this part only if you are disagreeing with a counterclaim about parenting responsibilities requested by the other party.

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

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

3. I believe the parenting responsibilities I am asking for 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 parenting order or filed agreement, or to set aside or replace a written agreement about parenting arrangements for the child or children. The orders they asked 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 circumstances have changed since the parenting order or written agreement was made
- ☐ There has been no change in circumstances since the parenting order or written agreement was made

2. I do not agree with the requested changes to the parenting order or written agreement because:

3. *Select only one of the options below*

- ☐ I am asking for the existing parenting order or written agreement to continue to be in place
- ☐ I am asking to change the parenting order or written agreement as follows:

4. I believe the parenting arrangements I am asking for are 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 orders they asked 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 amount of 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 children do not live with the other party at all
- ☐ the living arrangements for the child(ren) are not as described and the child(ren) live with me at least 40% of the time

Describe the child(ren)'s living arrangements below

- ☐ the amount would cause me undue hardship if I try to pay it 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 high costs to be able to spend time with the child(ren)
- ☐ I have a legal duty to support another person, such as a former spouse or a new spouse who is too ill or disabled to support themselves
- ☐ I have a legal duty to support a dependent child from another relationship

☐ other undue hardship circumstances (*specify*):

☐ other reasons (*specify*):

3. *Select only one of the options below*

- ☐ I have completed a Financial Statement in Form D
- ☐ 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 Appearance requesting this reply be filed without a complete 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

IMPORTANT NOTE:

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

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 child support order or filed agreement, or to set aside or replace an existing written agreement about child support. The orders they asked 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 child support order or written agreement was made
- ☐ There has been no change in circumstances since the child support order or written agreement was made

2. I do not agree with the requested changes to the child support order or written agreement because:

3. *Select only one of the options below*

- ☐ I am asking for the existing child support order or written agreement to continue to be in place
- ☐ I am asking to change the child support order or written agreement 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

5. *Select only one of the options below*

- ☐ I agree that the amount of arrears in the claim is correct
- ☐ The amount of arrears in the claim is not correct. As of *[date]*, the amount of unpaid child support arrears was \$

IMPORTANT NOTE:

This family law case includes a counterclaim to change an existing order or written agreement for support. You must provide updated financial information with your reply to this counterclaim by completing and filing a Financial Statement in Form D.

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 orders they asked 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 be as follows:

Select all options that apply and complete the required information

☐ no contact of any type

☐ visits:

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

☐ oral communication

☐ written communication

☐ other method of communication *(specify)*:

Complete if applicable

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

2. I believe the 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 contact order or filed agreement or to set aside or replace an existing written agreement about contact with a child or children. The orders they asked 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 circumstances have changed since the contact order or written agreement was made
- ☐ There has been no change in circumstances since the contact order or written agreement was made

2. I do not agree with the requested changes to the contact order or written agreement because:

3. *Select only one of the options below*

- ☐ I am asking for the existing contact order or written agreement to continue to be in place
- ☐ I am asking to change the contact order or written agreement as follows:

4. I believe the contact I am requesting is in the child(ren)'s best interests because:

SCHEDULE 7 – REPLY TO A COUNTERCLAIM ABOUT BECOMING A GUARDIAN

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 become a guardian. The orders they asked for about guardianship 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 because:
Select all options that apply and complete the required information

☐ the other party is not able to be a guardian

☐ the other party is not suitable to be a guardian

☐ other reason(s) (specify):

SCHEDULE 8 – REPLY TO A COUNTERCLAIM ABOUT TERMINATING GUARDIANSHIP

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. The orders they asked 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 complete the required information

☐ the guardian is able and willing to be a guardian

☐ the guardian is suitable to be a guardian

☐ the guardian does not consent to cancellation of their guardianship

☐ 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 orders they asked 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 spousal support order 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 reasons (specify):

3. The amount of spousal support that I believe should be paid is:
Check any applicable box(es) and complete the required information
- ☐ in the amount of \$ per month to commence on *[date]* until *[date]*
 - ☐ 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
 - ☐ I am not attaching calculations
5. *Select only one of the options below*
- ☐ I have completed a Financial Statement in Form D
 - ☐ 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 Appearance requesting this reply be filed without a complete financial statement

IMPORTANT NOTE:

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

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 spousal support order or filed agreement or to set aside or replace an existing written agreement. The orders they asked 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 spousal support order or agreement was made
- ☐ There has been no change in circumstances since the spousal support order or agreement was made

2. *Select only one of the options below*

- ☐ I agree that the amount of arrears in the claim is correct
- ☐ The amount of arrears in the claim is not correct. As of *[date]*, the amount of unpaid spousal support arrears was \$

3. I do not agree with the requested changes to the spousal support order or agreement because:

4. *Select only one of the options below*

- ☐ I am asking for the existing spousal support order or agreement to continue to be in place
- ☐ I am asking to change the spousal support order or agreement as follows:

5. *Select only one of the options below*

- ☐ I am attaching calculations showing how much spousal support I believe should be paid
- ☐ I am not attaching calculations

6. *Select only one of the options below*

- ☐ I have completed a Financial Statement in Form D
- ☐ 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 Appearance requesting this reply be filed without a complete financial statement

IMPORTANT NOTE:

This family law case includes a counterclaim to change an order or agreement for support. You must provide updated financial information with your reply to this counterclaim by completing and filing a Financial Statement in Form D.