

IN THE COURT OF KING'S BENCH OF NEW BRUNSWICK

FAMILY DIVISION

JUDICIAL DISTRICT OF FREDERICTON

BETWEEN:

_____,
Petitioner,

- and -

_____,
Respondent.

**ANSWER AND COUNTER-PETITION
(FORM 72F)**

ANSWER

1. The Respondent admits the allegations contained in paragraphs _____ of the Petition for Divorce.

2. The Respondent denies the allegations contained in paragraphs _____ of the Petition for Divorce.

3. The Respondent has no knowledge of the facts alleged in paragraphs _____ of the Petition for Divorce.

4. The Respondent says that:

5. The Respondent intends to proceed in the **English** language.

6. The Financial Statement of the Respondent, in the form prescribed by the Rules of Court is attached.

COUNTER-PETITION

(Strike out portions that are not applicable.)

CLAIM

1. The Respondent claims:

(a) a divorce;

(b) under the *Divorce Act*,

(i) _____

(ii) _____

(iii) _____

(iv) _____

(v) _____

(vi) _____

(vii) _____

(viii) _____

(c) under the *Marital Property Act*, (c) en application de la Loi sur les biens matrimoniaux:

(i) _____

(ii) _____

(iii) _____

(iv) _____

(v) _____

(State precisely everything you want the Court to include in the divorce judgment. If you claim child support, set out the number of children under the age of majority, the number of children over the age of majority and the nature and amount of any special expenses claimed. If you claim spousal support, set out the amount claimed as spousal support. If you claim a division of property, set out the nature and amount of relief claimed. If you claim division of property that is not listed in an attached Financial Statement, attach a list of all property that you seek to have divided and set out your claim to each item of property. If you want to include provisions of a domestic contract, separation agreement, minutes of settlement, parenting plan, previous

court order or any other document in the divorce judgment, attach a copy of the document and refer to the specific provisions to be included. If relief is claimed under any other Act, refer to the Act in the claim.)

GROUND S

2(a) There has been a breakdown of the marriage by reason that: *(Check appropriate box or boxes.)*

- (i) the spouses have lived separate and apart since the ___ day of _____, 20___, and are now living separate and apart.
- (ii) the Petitioner, on or about the ___ day of _____, 20___, committed adultery with _____.
- (iii) The Petitioner has, since celebration of the marriage, treated the Respondent with physical or mental cruelty of such a kind as to render intolerable the continued cohabitation of the spouses.

(b) The particulars of the grounds for the divorce are: *(Set forth fully but concisely all the material facts relied on but not the evidence by which they may be proved.)*

RECONCILIATION

3 (a) There is no possibility of reconciliation of the spouses.

(b) *(Where applicable)* The following efforts to reconcile have been made:

PARTICULARS OF MARRIAGE

The marriage certificate is attached to the Petitioner's Petition for Divorce filed on _____, 20__.

- 4(a) The Petitioner and Respondent were married on the ___ day of _____, 19__ at _____.
- (b) The Petitioner's surname at birth was: _____.
- (c) The Respondent's surname at birth was: _____.
- (d) The Petitioner's last name on the day before this marriage *(if different than birth)*: _____.
- (e) The Respondent's last name on the day before this marriage *(if different than birth)*: _____.
- (f) The Petitioner's given names on the day before this marriage: _____.
- (g) The Respondent's given names on the day before this marriage: _____.
- (h) The Petitioner's gender on the day before this marriage:
 Male Female Another Gender
- (i) The Respondent's gender on the day before this marriage:
 Male Female Another Gender
- (j) The marital status of the Petitioner and the Respondent at the time of the marriage was:

Petitioner: _____

Respondent: _____

- (k) The Petitioner was born on _____.
- (l) The Respondent was born on _____.

RESIDENCE AND JURISDICTION

- 5(a) The Petitioner resides in _____
- (b) The Respondent resides in _____
- (c) *(Check the appropriate box)*
 - The Petitioner has been
 - The Respondent has been
 - Both the Petitioner and the Respondent have been

habitually resident in the Province of New Brunswick for at least one year immediately preceding the date of the commencement of this proceeding.

CAPACITY

6 Both the Petitioner and the Respondent are of the full age of 19 years and neither of them suffers from any legal disability.

CHILDREN

7(a) The following are all the living children of the marriage as defined by the *Divorce Act*:

Full Name	Birth Date	School and grade or year	Person(s) with whom child lives and length of time child has lived there

The child habitually resides in (*municipality and province, state or country*)

_____.

(c) The Respondent seeks a parenting order with respect to the following children on the following terms: (*Be sure that this claim agrees with the claim under clause 1(b).*)

Name of the child	Terms of the Order

The Petitioner:

- agrees
- does not agree with the above terms.

- (i) The existing arrangements between the spouses for support for the children are as follows:

Amount paid	Time period (weekly, monthly, etc.)	Paid by (Petitioner or Respondent)	Paid for (name of child)
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- (j) The existing support arrangements

- are being honoured.
 are not being honoured.

(If not being honoured, specify how much is unpaid and for how long. If you seek an order for payment of part or all of the unpaid amount, be sure to include it in the claim under clause 1(b).)

- (k) The Respondent proposes that the support arrangements for the children should be as follows: *(Be sure that this claim agrees with the claim under clause 1(b).)*

Amount to be paid	Time period (weekly, monthly, etc.)	To be paid by (Petitioner or Respondent)	To be paid for (name of child)
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(k.1) The nature and amount of any special expenses are as follows:

Nature of special expense	Amount to be paid	Time period (weekly, monthly, etc.)	To be paid by (Petitioner or Respondent)	To be paid for (name of child)
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(l) The educational needs of the child

- are being met.
- are not being met.

(If not being met, give particulars.)

OTHER COURT PROCEEDINGS

8 If you are applying for a parenting order or an order for child support or spousal support, you will need to tell the court about:

- any criminal or child protection cases or orders that involve you or your spouse, or
- any restraining or protection orders or applications against one of you.

The judge will use this information to help ensure that any orders made under the *Divorce Act* do not conflict with other orders or proceedings.

The following are all other court proceedings with reference to the marriage or any child of the marriage: *(Give the name of the court, the court file number, the kind of order the court was asked to make and what order, if any, the court made. If the proceeding is not yet completed, give its current status.)*

DOMESTIC CONTRACTS, SEPARATION AGREEMENTS, MINUTES OF SETTLEMENT OR OTHER FINANCIAL ARRANGEMENTS

9(a) The spouses have entered into the following domestic contracts, separation agreements, minutes of settlement or other written or oral financial arrangements: *(Give particulars and attach copies. State whether the arrangements are now in effect. If support payments have not been paid in full, state the amount that has not been paid.)*

(b) The spouses have agreed to a parenting plan.

- Yes (attach a copy)
- No

(c) *(Where a claim for support or division of property is made, check the appropriate box or boxes.)*

- The Financial Statement of the Respondent, in the form prescribed by the Rules of Court, is attached.
- The income information of the Respondent required by the child support guidelines is attached.
- I claim a division of property not listed in the Financial Statement. A list of all property that I seek to have divided is attached and my claim to each item of property is set out on the list.
- The Petitioner and Respondent agree that corollary relief should be granted as set out above in the Petitioner's claim.

COLLUSION, CONDONATION AND CONNIVANCE

10(a) There has been no collusion in relation to this proceeding.

(b) *(Where breakdown of the marriage is alleged on the basis of adultery or cruelty, check the box below, unless there has been either connivance or condonation on the part of the Petitioner, in which case give full particulars of the facts on which the Court will be asked to find that the public interest would be better served by granting the divorce.)*

- There has been no condonation or connivance on the part of the Respondent.

DECLARATION OF RESPONDENT

11(a) I have read and understand this Counter-Petition. The statements of which I have personal knowledge are true, and those of which I do not have personal knowledge I believe to be true.

11(b) I certify that I am aware of my duties under sections 7.1 to 7.5 of the *Divorce Act*.

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

Signature of Respondent

Address for Service:

Civic Address: _____

Mailing Address (if different): _____

Telephone Number(s):

 Cellular: _____

 Home: _____

 Work: _____

Email: _____

STATEMENT OF SOLICITOR

13 *(Where Respondent has retained a solicitor)*

I, _____, solicitor for the Respondent, certify that I have complied with the requirements of section 7.7 of the *Divorce Act*.

(Where in the circumstances it would clearly not be appropriate to discuss the matters in subsection 7.7(1) with the Petitioner, set out the circumstances.)

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

Signature of Solicitor

Address for Service: