

Court File no.: _____

IN THE COURT OF QUEEN’S BENCH OF NEW BRUNSWICK

FAMILY DIVISION

JUDICIAL DISTRICT OF _____

BETWEEN:

PETITIONER

AND:

RESPONDENT

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

ANSWER

1. The respondent (*or person-named*) admits the allegations contained in paragraphs _____ of the Petition for Divorce.
2. The respondent (*or person-named*) denies the allegations contained in paragraphs _____ of the Petition for Divorce.
3. The respondent (*or person-named*) has no knowledge of the facts alleged in paragraphs _____ of the Petition for Divorce.
4. The respondent (*or person-named*) says that (*Set out in separate numbered paragraphs each allegation of a material fact relied upon by way of an answer to the Petition for Divorce.*)

5. The respondent (*or person-named*) intends to proceed in the _____ language.

(Where the Petition for Divorce contains a claim for child support)

6. The Financial Statement of the respondent, in the form prescribed by the Rules of Court, and the income information of the respondent required by the child support guidelines are 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)

(c) under the *Marital Property Act*

- (i)
- (ii)
- (iii)

(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, 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

(Attach a marriage certificate or explain its absence.)

4(a) The petitioner and respondent were married on the ____ day of _____, 20____,
at _____

(place of marriage)

- (b) The petitioner's surname at birth was _____
- (c) The respondent's surname at birth was _____
- (d) The marital status of the petitioner and the respondent at the time of the marriage was:
 petitioner_____ respondent_____
- (e) The petitioner was born on the _____ day of _____, 20____.
- (f) The respondent was born on the _____ day of _____, 20____.

RESIDENCE AND JURISDICTION

- 5 (a) The petitioner resides at _____ in the Province of _____
- (b) The respondent resides at _____ in the Province of _____
- (c) *(Check the appropriate box)*
- The petitioner has been
- The respondent has been
- Both the petitioner and respondent have been

ordinarily 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 children ordinarily reside in (*municipality and province, state or country*)

- (b) The respondent seeks an order for custody or joint custody of the following children on the following terms: (*Be sure that this claim agrees with the claim under clause 1(b).*)

Name of child	Terms of Order
_____	_____
_____	_____
_____	_____

agrees
The petitioner does not agree with the above terms.

(c) The respondent is not seeking an order for custody and

is content that a previous court order for custody continue in force, or

is attempting to obtain an order for custody in another proceeding, full particulars of which are as follows:

(Give name of court, court file number and particulars of the order or proceeding.)

(d) The respondent seeks an order for access (a visiting arrangement) and is content that the petitioner have an order for custody of the following children on the following terms:

Name of child	Terms of Order
<hr/>	<hr/>
<hr/>	<hr/>
<hr/>	<hr/>
<hr/>	<hr/>
<hr/>	<hr/>

agrees
The petitioner does not agree with the above terms.

(e) The following is the existing access (visiting arrangement) for the spouse who does not have the children living with him or her: *(Give details such as days of the week, hours of visit and place of access.)*

(f) The above access (visiting arrangement) is

satisfactory.

not satisfactory.

(If not satisfactory, give reasons and describe how access should be changed.)

(g) The order sought in clause (b) or (d) is in the best interests of the children for the following reasons:

(h) The following changes in the circumstances of the spouses are expected to affect the children, their custody and the access (visiting arrangement) in the future:

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

Amount paid	Time period (weekly, monthly, etc.)	Paid by (respondent or petitioner)	Paid for (name of child)
<hr/>	<hr/>	<hr/>	<hr/>
<hr/>	<hr/>	<hr/>	<hr/>
<hr/>	<hr/>	<hr/>	<hr/>
<hr/>	<hr/>	<hr/>	<hr/>

(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 (respondent or petitioner)	To be paid for (name of child)
<hr/>	<hr/>	<hr/>	<hr/>
<hr/>	<hr/>	<hr/>	<hr/>

(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 (respondent or petitioner)	To be paid for (name of child)

(l) The educational needs of the children

are being met.

are not being met.

(If not being met, give particulars.)

OTHER COURT PROCEEDINGS

8 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.)

Date	Nature of arrangements
_____	_____
_____	_____
_____	_____

(b) *(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 respondent'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 respondent, 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 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.

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

signature of respondent

Address of respondent

STATEMENT OF SOLICITOR

12*(Where respondent has retained a solicitor)*

I _____, solicitor for the respondent, certify that I have complied with the requirements of section 9 of the *Divorce Act*. *(Where in the circumstances it would clearly not be appropriate to discuss the matters in subsection 9(1) with the respondent, set out the circumstances.)*

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

signature of solicitor