

# FORMSUPPORT

## FORM L RESPONDENT'S RESPONSE TO APPLICATION

If you are reading this FormSupport Guide, you probably received a package of documents. This package is an application made by a person in another jurisdiction (province, territory or country) who is asking the court where you live to make or change a support order.

Provinces and territories have arrangements with each other and with certain other countries to recognize each other's support orders, and to make, change and enforce them using each other's laws. These arrangements are used so that people involved in family support (also called "maintenance") cases do not have to travel to another province, territory or country to have a court deal with their orders.

This is your opportunity to respond to the application. If you do not file a response, or attend the hearing, the court may rely only on the information provided by the Claimant/Applicant and make an order that does not reflect your circumstances.

It is important that you read the documents you received and this FormSupport Guide and respond appropriately. Depending on your response, you may also need to fill out other Forms.

Consult "Which forms do I need to use?" at <http://www.gov.pe.ca/jps/index.php3?number=1028842&lang=E> to access the FormSupport Introduction and General Information.

### Tips

- The Forms you submit as part of your application will organize your information for the court. You should include as much information as possible so that the court can make an informed decision.
- All support order applications require you to complete either Form A.1 or A.2.
- Use the tables included in the FormSupport Introduction and General Information at <http://www.gov.pe.ca/jps/index.php3?number=1028842&lang=E> to determine the additional Forms you need to complete.
- Use a working copy and a final copy when completing these Forms. To ensure that the final copy is neat and legible, only complete the final copy when satisfied with your responses.
- Include all copies of receipts, documents and other evidence that will help prove statements and claims you make. Documents provided will form part of the evidence for the matter and cannot be returned.
- Receipts and documents may contain address information that you may wish to remain confidential. If you choose to conceal the address information, ensure that you keep the originals in case the court requires that you provide them.
- After completing all of your Forms, you must swear to the accuracy of all the information that you provided – just like if you were in court providing the evidence in person.

For more information on family justice matters, visit <https://www.princeedwardisland.ca/en/information/family-law> or [www.Canada.ca/family-law](http://www.Canada.ca/family-law).

The Child Support Guidelines Office is a free government service that can assist Islanders who represent themselves to finalize their ISO forms. For more information, call (902) 368-6220 (Charlottetown) or (902) 888-8188 (Summerside).

### Filling Out the Form

#### Section 1

##### **I am the Respondent; or a person or government**

There are two boxes in the top left corner of this Form. As the Respondent, you will check the first box. The second box would be checked by an agency which has a right to be involved.

**NOTE:** If you are an income or social assistance recipient who has assigned support rights to an income or social assistance agency, the agency may want to be in court and receive any order that is made.

#### Section 2

##### **I have been served with a Support Application or Support Variation Application. My address for delivery of documents is**

In the next section, write your name, address, and contact information. Check the appropriate box to indicate whether it is your own address or in care of your lawyer or another person. This is the address and contact numbers the court will use to get in touch with you.

If you wish to keep your address confidential, you must be willing to have someone accept documents on your behalf and you must provide an alternate service address. **The information you provide, including your address will form part of a court file that MAY BE available to the general public.**

#### Lawyer

Complete this section if you choose to have a lawyer represent you in court. Fill in your lawyer's name, address and telephone number. With this information, the court will contact your lawyer directly.

#### Child Support Guidelines in Canada

Child support guidelines are a set of rules and tables to apply when determining child support. The guidelines include very detailed tables, specific to each province and territory, which provide the amount parents should pay.

The courts must follow the applicable child support guidelines, unless there are special circumstances.

The Department of Justice Canada has a publication, The Federal Child Support Guidelines: Step-by-Step, which contains general information about child support, including guidance on determining which guidelines apply to you. The publication may be accessed from the following website: [www.Canada.ca/family-law](http://www.Canada.ca/family-law)

#### Section 3

##### **I Agree with the application, and consent to an order being made as requested**

Refer to Form A.1 or Form A.2, depending on your circumstances, in the applicant's package. At the bottom it describes the order that the court is being asked to make.

If you agree with the application, check the box on the left, and one of the three options below it. The following is a brief description of what each of them means.

### **I agree to an order that I will pay support**

Check this box if the application is for a first order and you agree to pay. You must complete and attach Form 70D which is a financial statement. The court looks at your finances to decide how much the support should be.

### **I am the support payor under the order or agreement the applicant wishes to change**

Check this box if you already pay support and the application is to change the amount; and you agree with this change. You must complete and attach Form 70D which is a financial statement.

### **I am the support recipient under the order or agreement the applicant wishes to change**

Check this box if you already receive support and you agree with the payor's application to change the amount.

You may need to provide your financial information if the application deals with:

- special expenses;
- support for yourself;
- an undue hardship claim;
- more than one child in a split or share custody arrangement; and/or
- child over the age of the majority.

**NOTE:** If you are a support recipient and have assigned your support rights to an income or social assistance agency, you may not have the right to change the order without the agency being involved. You should contact the agency to which you have assigned your rights.

## **Section 4**

### **I Do Not Agree with the application**

If you do not agree with the application, check this box. Now the court will need more information from you so that the claims made by the Claimant/Applicant can be compared with your information.

### **Financial Statement**

If required, complete Form 70D which is a financial statement.

### **Request to Pay Different than Child Support Guidelines**

If you are a support payor and you want to pay a different amount than the child support guidelines table amount, check this box. You will need to complete and attach Form G.

### **Request for Child Support Order Different than Child Support Guidelines**

If you are a support recipient and you want to receive a different amount than the child support guidelines table amount, check this box. You will need to complete and attach Form E.

### **Special or Extraordinary Expense Claim**

Has the applicant payor applied to change the special expense amounts that he/she pays as part of an order you have now? If so, and you do not agree with the change, check this box and complete and attach Form F.

If you are the Respondent payor and dispute a claim for special expenses made by the Claimant/Applicant, then you may complete the "other" section of this Form to explain your reasons.

### **Child Status and Financial Statement**

Check this box if the application involves a child over the “age of majority” (which is 18 in PEI, or 18, 19 or another age, depending on the law being applied in this situation) and you do not agree with the applicant’s request regarding that child. You will need to complete and attach Form J for each child over the “age of majority”.

### **Other**

There may be other Forms or documents you want the court to see. List them in this section.

## **Section 5**

### **Swearing the documents**

The Forms and documents you file with the court are evidence. At the end of this Form is an oath. Do not sign it yet, or fill in the date.

When you have your complete package of documents ready to file, take it to a lawyer, Notary Public or Commissioner of Oaths.

The person who “takes your oath” will ask you if all the information is true. If you say yes, you will then be asked to sign the Form, and the lawyer, Notary Public or Commissioner of Oaths will also sign the Form verifying that you have sworn or affirmed to the information being true.

The Deputy Registrar at the court office who accepts your documents for filing may also take your oath.

Once the documents are sworn **do not make any changes** to them. Make three photocopies of the whole package. Take your “original” sworn package (the one that you signed in front of the lawyer or notary) and two of the copies to the court. You must file your documents on or before the court date. If a lawyer is helping you, this step will probably be done by his/her office. Keep one photocopy for yourself. You should take it to court with you.