

FORM 70D.4

THE KING'S BENCH (Family Division)

_____ Centre

BETWEEN:

(full name)

petitioner/applicant

– and –

(full name)

respondent

TRIAGE BRIEF

Filed by: petitioner/applicant
 respondent

lawyer for the petitioner/applicant
 lawyer for the respondent

Triage Screening Date: _____, _____, at _____ a.m./p.m.
(day of the week) *(month/day/year)* *(time)*

Name of lawyer or party filing

Address

Telephone number

Fax number

(Where the party acts in person, include the party's name and address for service, including postal code and telephone number.)

TRIAGE BRIEF

(Check all applicable boxes and strike out any statements that do not apply)

PART 1 – FAMILY FACTS

1. **PETITIONER/APPLICANT:** Age: _____
 Occupation/Employer: _____
 Days of week/hours of work: _____
 Place of residence/Neighbourhood: _____

2. **RESPONDENT:** Age: _____
 Occupation/Employer: _____
 Days of week/hours of work: _____
 Place of residence/Neighbourhood: _____

3. **RELATIONSHIP DATES:**

Married Common law Never cohabited

Date of marriage: _____

Date cohabitation started: _____

Date of separation: _____

Duration of Relationship: _____

4. The basic information about the child(ren) is as follows:

Child's name	Age	Grade	Now living with

PART 2 – ISSUES IN THIS CASE

5. List all issues that **have been** settled.

6. List all issues that **HAVE NOT** been settled (still in dispute between the parties):

7. Is this a variation of an existing family court order?

- No Yes (*attach copy of the order/agreement you are seeking to vary*)

8. Is there a protection order in place?

- No Yes (*attach copy of protection order*)

9. Are you seeking/opposing the protection order being set aside/varied/revoked?

- No Yes (*explain the basis of your position in concise paragraphs*)

10. Is there a criminal court recognizance or bail order in place?

- No Yes (*attach copy of document*)

11. Have you sought or are you seeking a variation of the criminal court recognizance or bail order?

- No Yes (*attach variation order or provide date when variation order is being heard*)

12. Are there any proceedings under *The Child & Family Services Act* that affect any child in this matter?

- No Yes (*provide details*)

13. Are there matters you are seeking to have addressed before the first case conference? If so, briefly state why:

- Set aside/vary/revoke protection order
- Opposing confirmation of Associate Judge’s recommendation regarding dates of cohabitation and/or separation
- Other (specify):

PART 3 – AREAS IN DISPUTE

PARENTING ARRANGEMENTS (Parenting time/decision-making responsibility/contact)

14. If parenting arrangements are an issue, is there a parenting assessment or mediated parenting agreement in this case?

- Yes – (attach copy of assessment or agreement)
- No – (the assessment is not yet finished – must explain why the assessment is not ready and provide anticipated date of completion)
- No – (neither party is seeking an assessment or mediated agreement)

15. Provide a brief description of the specific disagreement(s) with respect to parenting arrangements of the child(ren) and your proposed resolution of the disagreement(s). Proposed parenting plan must be attached.

CHILD SUPPORT AND EXTRAORDINARY EXPENSES

16. If child support (or variation/termination of child support) is an issue, provide the current income of the parties and the income for the previous three years:

Petitioner/Applicant: \$ _____ (current)
 \$ _____ in 20____
 \$ _____ in 20____
 \$ _____ in 20____

Respondent: \$ _____ (current)
 \$ _____ in 20____
 \$ _____ in 20____
 \$ _____ in 20____

(Attach relevant child support guideline calculations)

(Attach Sworn Form 70D Financial Statement and proof of current income and copies of Canada Revenue Agency income and deduction computer printouts or filed income tax returns for the immediately preceding three consecutive years)

17. Are special or extraordinary expenses in dispute (i.e., children’s medical costs, dental costs, daycare, university etc.)?

No Yes *(attach relevant expense calculations with supporting documentation)*

18. Provide a brief description of the specific disagreement(s) with respect to child support and your proposed resolution of the disagreement(s). (set out in concise paragraphs)

19. If you are owner of an interest in a corporation, state percentage of ownership and net corporate income for the last three years.

_____ State percentage of ownership
 _____ Net corporate income in 20____
 _____ Net corporate income in 20____
 _____ Net corporate income in 20____

20. Is there a dispute over imputation of income?

- No
- Yes *(If so, details must be provided, i.e., unreported income, unreasonable business deductions, capital cost allowance, optional inventory adjustments)*

SPOUSAL /COMMON-LAW SUPPORT

21. If spousal/ common-law support is an issue, provide the current income of the parties and the income for the previous three years:

Petitioner/Applicant: \$ _____ (current)
 \$ _____ in 20____
 \$ _____ in 20____
 \$ _____ in 20____

Respondent: \$ _____ (current)
 \$ _____ in 20____
 \$ _____ in 20____
 \$ _____ in 20____

- 22. Compensatory claim? No Yes _____ percentage
- Non-compensatory claim? No Yes _____ percentage

23. Provide a brief description of the specific disagreement(s) with respect to spousal or common-law support and your proposed resolution of the disagreement(s) (set out in concise paragraphs).

(Attach sworn Form 70D Financial Statement, proof of current income and copies of Canada Revenue Agency income and deduction computer printouts or filed income tax returns for the immediately preceding three consecutive years).

(Attach relevant Spousal Support Advisory Guideline calculations — state quantum range [low, mid, high] and duration range).

FAMILY PROPERTY

24. If family property is an issue, attach the Comparative Family Property Statement (Form 70D.5)

25. Provide a brief description of the specific disagreement(s) with respect to family property and your proposed resolution of the disagreement(s) (set out in concise paragraphs)

26. I have NOT obtained a prior reference to an associate judge and I am seeking a reference for a family property accounting on the following terms:

- Valuation of joint assets/liabilities _____
- Shareability/Tracing _____
- Ownership _____
- Other _____

27. I have received the associate judge’s recommendation identifying the dates of cohabitation and/or separation and I consent to this recommendation being confirmed.

28. I have received the associate judge’s recommendation identifying the dates of cohabitation and/or separation and I am opposed to this recommendation being confirmed and I am seeking a prioritized hearing to address this issue.

VARIATION OF SUPPORT/CANCELLATION OF ARREARS

29. If you are seeking to reduce/delete arrears of support, you must complete the following chart for each year in which arrears accrued

Court-Ordered Monthly Support	Year	Line 150 of Income Tax Return	Support Payable	Support Paid	Arrears/ Overpayment

30. What is your settlement proposal with respect to the arrears? (set out in concise paragraphs)

31. Do you require an order suspending maintenance enforcement?

- No Yes *(provide letter from the Director of Assistance regarding the Department's position on the matter)*

OTHER ISSUES (Not previously identified)

32. Identify any other issues that are at issue between the parties (set out in concise paragraphs)

If party is not represented by counsel, party signs:

Date of party's signature

Signature of party

If party is represented by counsel, only counsel signs:

Date of lawyer's signature

Signature of lawyer