FORM 70K

THE KING'S BENCH (FAMILY DIVISION)

 \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Centre

BETWEEN:

*(full name)*

petitioner

– and –

*(full name)*

 respondent

 **REPLY TO ANSWER**

 (or)

 **REPLY TO ANSWER AND PETITION FOR DIVORCE**

*(Insert the following numbered paragraphs, where applicable.)*

1. The petitioner admits the allegations contained in paragraphs

 of the (answer/answer and petition).

2. The petitioner denies the allegations contained in paragraphs

 of the (answer/answer and petition).

3. The petitioner has no knowledge in respect of the allegations contained in paragraphs                                                   of the (answer/answer and petition).

*(In separate paragraphs, numbered consecutively in sequence after the above numbered paragraphs, set out each allegation of material fact relied on in the reply.)*

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*(Strike out all of paragraph 4 if the respondent is not claiming relief under the Divorce Act (Canada).)*

4. Certification of petitioner under the *Divorce Act* (Canada):

I certify that I am aware of my duties and responsibilities under the *Divorce Act* (Canada), as follows:

*(Strike out all of paragraph 4(a) if parenting time or decision-making responsibility is not being sought under the Divorce Act (Canada).)*

(a)If I am granted parenting time or decision-making responsibility under the *Divorce Act* (Canada):

(i) I will exercise it in a manner that is consistent with the best interests of the child.

(ii) Before changing my place of residence or that of the child I must give notice in the manner required by the *Divorce Act* (Canada) to anyone who has parenting time, decision-making responsibility or contact under a contact order respecting the child[[1]](#footnote-1)\*.

(iii) Before relocating myself or the child I must give notice at least 60 days before the expected date of the proposed relocation and in the form prescribed by the regulations under the *Divorce Act* (Canada), to any other person who has parenting time, decision-making responsibility or contact under a contact order respecting the child of my intention\*.

*(Strike out paragraph 4(b) if there are no children of the marriage.)*

(b) I will, to the best of my ability, protect any child of the marriage from conflict arising from this proceeding.

(c) I will, to the extent that is appropriate to do so, try to resolve this matter with the respondent through a family dispute resolution process.

(d) I will provide all complete, accurate and up-to-date information that is required by the *Divorce Act* (Canada).

(e) I will comply with any order made under the *Divorce Act* (Canada).

*(Strike out all of paragraph 5 if the respondent is not claiming relief under The Family Law Act.)*

5. Certification of petitioner under *The Family Law Act*:

I certify that I am aware of my duties and responsibilities under *The Family Law Act* as follows:

1. I will act in a way that strives
2. to minimize conflict;
3. to promote cooperation; and
4. to meet the best interests of any child involved in the dispute.

*(Strike out paragraph 5(b) if parenting time, decision-making responsibility or contact is not being sought under The Family Law Act.)*

1. If I am granted parenting time or decision-making responsibility or contact with a child under a contact order:
2. I will exercise my parental responsibilities or contact in a manner that is consistent with the best interests of the child.
3. Before relocating myself or the child I must give notice at least 60 days before the expected date of the proposed relocation and in the form and manner prescribed by *The Family Law Act* and the *Family Law Regulation* to anyone who:
4. is a parent who has parental responsibilities (a parent with decision-making responsibility, parenting time, custody or access) under an order made under *The Family Law Act* or *The Family Maintenance Act* or by operation of law,
5. is a guardian who has a guardianship order,
6. stands in the place of a parent who has parental responsibilities under a parenting order made under *The Family Law Act*;
7. has contact with the child under a contact order made under *The Family Law Act* or an access order made under *The Child and Family Services Act*, and
8. has applied for a parenting order, a guardianship order or a contact order where the application is pending[[2]](#footnote-2)\*\*.
9. Before changing my place of residence or that of the child I must give notice in the form and manner required by *The Family Law Act* and the *Family Law Regulation* to anyone who
10. is a parent who has parental responsibilities (a parent with decision-making responsibility, parenting time, custody or access) under an order made under *The Family Law Act* or *The Family Maintenance Act* or by operation of law,
11. is a guardian who has a guardianship order,
12. stands in the place of a parent who has parental responsibilities under a parenting order made under *The Family Law Act*, and

(4) has contact with the child under a contact order made under *The Family Law Act* or an access order made under *The Child and Family Services Act*\*\*

I understand that if the proposed change of residence is likely to have a significant impact on the relationship with the child, I must give the notice at least 60 days in advance.

*(Strike out paragraph 5(c) if there are no children in the relationship.)*

1. I will, to the best of my ability, protect any child from conflict arising from the proceeding.

1. I will, to the extent that it is appropriate to do so, try to resolve the matters that may be the subject of an order under *The Family Law Act* through a family dispute resolution process.

(e) I will provide all complete, accurate and up-to-date information that is required by *The Family Law* Act or any other applicable law.

(f) I will comply with any order made under *The Family Law Act*.

Dated at                                                     , this                day of                                         ,            .

Signature of petitioner

The Petitioner’s lawyer is:

 *(Name of lawyer)*

 *(Firm name)*

 *(Address)*

 *(Phone)*

 *(Fax)*

 *(E-mail address)*

*(Strike out the Statement of Lawyer below if the respondent is not claiming a divorce.)*

Statement of Lawyer under the *Divorce Act*:

I,                                                                  , the lawyer for                                                                 , the petitioner, certify to this court that I have complied with the requirements of subsections 7.7(1) and 7.7(2) of the *Divorce Act* (Canada).

Dated at                                                     , this                day of                                         ,            .

Signature of lawyer

Name of lawyer

*(Strike out the Statement of Lawyer below if the respondent is not claiming relief under The Family Law Act.)*

Statement of Lawyer under *The Family Law Act*:

I,                                                                  , the lawyer for                                                                 , the petitioner, certify to this court that I have complied with the requirements of subsection 9(1) of *The Family Law Act*.

Dated at                                                     , this                day of                                         ,            .

Signature of lawyer

Name of lawyer

TO:

 *(Name and address of respondent's*

 *lawyer or of respondent)*

1. * \* Any move — including a local move — is a change of residence.
	* A “relocation” is a move — either by a child or a person with parenting time or decision-making responsibility — that could have a significant impact on the child’s relationship with a person with or applying for parenting time or decision-making responsibility or a person who has contact under a contact order.
	* A person with parenting time or decision-making responsibility must give notice before any proposed move to any person with parenting time, decision-making responsibility or contact of a change of their residence or that of the child.
	* Notice of a relocation must be given at least 60 days in advance.
	* A person with contact who proposes any change of residence, must give notice to any person with parenting time, decision-making responsibility or contact. If the proposed change of residence is likely to have a significant impact on the relationship with the child, the notice must be given at least 60 days in advance.
	* **The specific details of the notice requirements are set out in the *Divorce Act*, Canada (s. 16.7 to 16.96) and the required notice forms and descriptions of how to give notice are set out in the Notice of Relocation Regulations under the *Divorce Act*, Canada. See Justice Canada web site:** [**www.laws-lois.justice.gc.ca**](http://www.laws-lois.justice.gc.ca) [↑](#footnote-ref-1)
2. \*\***The specific details of the notice requirements under *The Family Law Act* are set out in *The Family Law Act* and the *Family Law Regulation*. The Forms: Notice of Proposed Relocation, Notice of Change of Residence and Notice of Objection to Proposed Relocation are prescribed in the *Family Law Regulation*.** [↑](#footnote-ref-2)