

Respondent's Answer to Application

The package of documents you have received is an application to the Supreme Court of Prince Edward Island. This application is from a person in a “reciprocating jurisdiction” that is asking the Supreme Court of Prince Edward Island to make an order.

What's a “reciprocating jurisdiction”?

Prince Edward Island has arrangements with each of the Canadian provinces and territories and many foreign countries to deal with support orders. Each of these places is a “reciprocating jurisdiction”. There is a list in the *Interjurisdictional Support Orders Act* Regulations. When two places reciprocate, it means that they recognize each other's support orders and support orders can be made, changed, and enforced using reciprocal laws. 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.

The person who has made this application is in one of the “reciprocating jurisdictions”. The Supreme Court of Prince Edward Island will deal with the application. The Supreme Court of Prince Edward Island will make an order.

In most cases, the person applying for an order has filed a Form F. This is a request to the Court to make an order *even if you do not go to Court or file necessary documents*. The Court *can* make an order if you do not go to Court and that order will be legal. **If you want a say in the order the Court will make, it is important that you read this FormSupport guide, and the package of documents you received.**

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Have you read the documents you received? Form A is the one that gives a summary of what the claimant/applicant is asking for.

The person applying for an order is the:

Claimant – if this is an application for a “first” support order, or

Applicant – if this is an application to change or vary an order you have now.

You are the **Respondent**. You are “responding” to the application.

Let's go through Form N – Respondent's Answer to Application. As you go through this guide, make a note of any other forms or documents you need. Write them down in the Worksheet section at the end of this guide.

Office Use Only box, top right

The Court may have filled in the Court file #, Court location, and reciprocal #. If you need to contact the Court, you should always quote the Court file #. If this box has not been filled in, the numbers are on the Application you received.

Identification

There are two check boxes on the left of Form N. You are the respondent, so you will check off the first one. The second box would be checked by an agency that has a right to be involved. For example: If the respondent is a support recipient who has assigned maintenance rights to the relevant authority of the Department of Health and Social Services, the relevant authority may want to be in Court and receive any order that is made.

In the box, write your name, address, telephone and fax numbers. Check off whether it is your own address, in care of your lawyer, or in care of another person. This is the address and contact numbers the Court will use to get in touch with you, and to send you any mail. This information will be on the Court file. If you need to keep your address confidential, you must give a different address where you can be reached.

Agree, and Consent

Go back to Form A, the application. At the bottom, it describes the kind of order the Court is being asked to make. Do you agree? If yes, check off the box on the left and *one* of the three little boxes below it. Below is a brief description of what each of the boxes mean.

I agree that I will pay support – payor.

Check this box if the application is for a “first”

order and you agree to pay. You must file a financial statement. A blank one is included in your package. The Court looks at your finances to decide how much the support should be. There are instructions on the financial statement.

- I agree to change the order - payor.** Check this box if the application is to *change* the order you already have and you agree to pay a new amount. You must file a financial statement. A blank one is included in your package.
- I agree to change the order – recipient.** Check this box if you are the support recipient (person receiving the support) and you agree with the *payor's* application to change the order you have now. Because the Court looks at the payor's finances when it makes an order, you do not have to file a financial statement.

Note: If you are a recipient and have assigned your maintenance (support) rights to the relevant authority of the Department of Health and Social Services, you **must** contact your financial worker. You do **not** have the right to change the order without the relevant authority being involved.

Do Not Agree

If you do not agree with the application, check this box on Form N. In cases where the respondent (you) does not agree, the Court needs more information. It needs other forms so that the claims the claimant/applicant makes can be compared with your information. If you do not agree, go on to the next section.

I will go to Court...

If you do not agree with the order requested, it is assumed you will go to Court. You can go by yourself or have a lawyer with you. The Court hearing is where you have your say about the order the Court will make. Again, you need to know that if you do not go to Court, or file the information the Court needs, an order can and will be made even if you are not there. So, check off the box on the left, then read through the descriptions below. You will have to fill in one, or more, of the other forms. As you check one off, add the form to your Worksheet at the end of this FormSupport guide.

- Financial Statement.** The financial statement, a blank copy of which is in the package you received, is almost always necessary. The only time it is *not* required is if

you are a support recipient and you have agreed to change an existing support order. You will have checked off the third little box under the “I agree” section.

- 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 fill out Form I. The FormSupport guide for Form I gives you more information about the Child Support Guidelines.
- Request for a 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 fill out Form G. The FormSupport guide for Form G gives you more information about the Child Support Guidelines.
- Special Expense Claim.** Has the applicant/payor applied to change the special expense amounts listed in an order you have now? If yes and you do not agree with the change, check this box and fill out Form H.
- Child Status and Financial Statement.** Do you agree with an application that asks for support for a child over the “age of majority” (age 18 in Prince Edward Island) **or** wants to end support for an “age of majority” child? If you do not agree, check this box. You will fill in a Form L for each “over the age of majority” child.
- Other.** There may be other forms or documents you want the Court to see. List them in this section.

Lawyer

If you choose to have a lawyer with you at Court, check the relevant box on Form N. On the lines, write your lawyer's name, address, and telephone number. With this information, the Court will contact your lawyer directly.

When you have filled out Form N, you will know what other forms you need to file your Answer. You can get a copy of each of the forms and the FormSupport guide that goes with each from either of the Child Support Guidelines Offices at 42 Water Street, Charlottetown, PEI or 108 Central Street, Summerside, PEI. The Court does not have supplies of these forms.

Other sources for the forms and guides are:

Community Legal Information Association,
P.O. Box 1207, Charlottetown, PE, C1A 7M8

online at www.gov.pe.ca/iso/ .

Swearing the documents

The forms and documents you file with the Court are evidence. The “oath” part is at the end of Form N. 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 or notary public. The person who “takes your oath” will ask you if all the information is true. If you say yes, you will be asked to sign your Answer and the lawyer or notary will fill in the part on the left and put a stamp on the form. If you are unable to have your Answer notarized by a lawyer or notary public, contact the Child Support Guidelines Office at (902) 368-6220 for assistance.

Once the documents are sworn, do not make any changes or add anything. Make 3 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. If a lawyer is helping you, this step will probably be done by your lawyer’s office. Keep one photocopy for yourself. You will take it to Court with you. You must file your documents on or before the Court date.

Worksheet

As you went through this FormSupport guide and Form N, did you note any information or documents you needed? Write them down on this worksheet. As you get the document or complete a task, check off the “done” column. Keep any documents with Form N.

Reminder

Don’t forget to attach any documents that might support your case.

Worksheet

Document / To Do	done