

Respond – Change Custody and Access

# Court of Queen's Bench

Responding to Application  
To Change Custody and Access



**Resolution Services**



*Alberta*  
Government

# Instructions

## Responding to an Application

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### **Before you Begin:**

- There is an important date in the Application (or Originating Application) form that you have been served with. The court date is in the box on the first page. If you do not go to court on that date, the judge will assume that you agree with whatever the Applicant is asking for.
- If you want to respond to the application, you **must** fill in an Affidavit, setting out everything that you want the judge to know, and attaching any documents that the judge will want to see.
- If the application deals with support, you must also fill in a Disclosure Statement. See our booklet “Providing Financial Disclosure” for that form, and instructions on how to complete it.
- See our booklet, “Making a Court Application in the Court of Queen’s Bench (With an Application Form)” for more information about how to prepare, file and serve court forms and how to present your case in court.

### **Gather up the documents you will need to prove your case**

- If the application deals with support, the booklet “Providing Financial Disclosure” tells you what documents to gather up.

There may be other documents that you should attach to your court forms. For example:

- With respect to child support:
  - If you want to receive (or to continue to receive) payment for any special or extraordinary expenses for your children, attach receipts for those expenses, if you have them.
  - If you want to receive (or to continue to receive) support for a child over the age of 18, attach income information for that child for any year in which they have earned an income.
  - If you want to receive (or to continue to receive) support for a child over the age of 18 because they are in school, attach proof that they are registered in an educational institution, including the number of classes and/or hours per week of instruction.
  - If you are claiming undue hardship, attach income information for any other adult in your household, and evidence to support your undue hardship claim.

- With respect to spousal support:
  - Attach a list of your assets, showing the value of each asset and your debts, showing the amount owing on each debt.
  - If you are unable to support yourself because of medical problems or education, attach proof of the medical problems or registration at an educational institution.
  
- With respect to custody or access, think about which documents will help your case. Some of these might be relevant:
  - School report cards
  - Letters from the child's doctor, teacher or counsellor
  - Copies of e mails showing attempts to organize access
  - Your work schedule, if access must be scheduled around that
  - The children's extracurricular activity schedule

### **Fill in the Affidavit form**

- This form has been prepared with the information that the court is likely to want to see. You can, if you wish, change the content of the form to set out the information in a way that you think is best.
- All of the documents that you want the judge to see must be written about in the Affidavit and attached as exhibits to the Affidavit.
- Make 2 copies of the sworn Affidavit and file the original with the Court of Queen's Bench.

### **Serving the other party**

- You may serve the other party with your filed Affidavit in one of several ways:
  - You may serve them personally – by handing a copy of the Affidavit to them.
  - If they have a lawyer named on their application form, you can leave a copy with the lawyer or one of their staff.
  - You can leave a copy at the address for service listed on the Application form.
  - If the Application form has a fax number or e mail address, you may fax or scan and e mail the form to the other party that way.



#### ***Tip:***

You do not have to serve the other party yourself. You can have a friend or a process server do it for you.

## **After the other party has been served, fill in the Affidavit of Service form**

- Make sure the Affidavit of Service states how you served the Applicant.

**These instructions have been prepared for you by Resolution Services.  
Contact us at:**

### **Calgary**

7<sup>th</sup> floor, Calgary Courts Centre  
601 - 5 Street SW  
Phone 403-297-6981

### **Edmonton**

8<sup>th</sup> floor, Brownlee Building  
10365 – 97 Street  
Phone 780-415-0404

### **Grande Prairie**

Main Floor, Court House  
10260 - 99 St.  
Phone: 780-833-4234

### **Lethbridge**

1<sup>st</sup> Floor, Court House  
320 - 4 St. S  
Lethbridge AB T1J 1Z8  
Phone: 403-388-3102

### **Red Deer**

Main Floor, Court House  
4909 - 48 Ave  
Phone: 403-340-7187

### **Medicine Hat**

Court House  
460 First Street SE  
Medicine Hat, AB T1A 0A8  
Phone 403-529-8716

**Outside these centres, call the  
Resolution Services Contact Centre at 1-855-738-4747**

Clerk's Stamp

COURT FILE NUMBER \_\_\_\_\_  
(File number, as on other court documents)

COURT Court of Queen's Bench of Alberta

JUDICIAL CENTRE \_\_\_\_\_  
(City or town where court is located)

APPLICANT \_\_\_\_\_  
(Print the other party's full name, as on other court documents)

RESPONDENT \_\_\_\_\_  
(Print your full name, as on other court documents)

DOCUMENT: **Affidavit – Responding to  
Changing Custody and  
Access**

SWORN / AFFIRMED BY: \_\_\_\_\_  
(Name of person making this Affidavit)

SWORN / AFFIRMED ON: \_\_\_\_\_  
(Date Affidavit sworn / affirmed)

ADDRESS FOR SERVICE  
AND CONTACT  
INFORMATION OF PARTY  
FILING THIS DOCUMENT \_\_\_\_\_  
(Name of party filing this document)

\_\_\_\_\_  
(Full address of party filing this document)

\_\_\_\_\_  
( )

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I, \_\_\_\_\_, of \_\_\_\_\_, Alberta,  
Your name Name of City/Town

**MAKE OATH / AFFIRM AND SAY THAT:**

1. I am the Respondent. I have personal knowledge of the facts set out below, except where I say that they are based on information and belief. In that case, I believe the facts to be true.
2. I have read the Affidavit filed by the Applicant, and I make this Affidavit in response to the application of the Applicant.

**CUSTODY AND ACCESS**

*(Complete this section if you are responding to an application for changes to an existing order for custody and/or access)*

3.  I agree with the following things the Applicant is asking for: *(Give details)*

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4.  I disagree with the following things the Applicant is asking for:  
*(Give details of what you disagree with)*

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because:

- There has been no change of circumstances since the last Order made.  
 Other: *(Give details as to why you disagree)*

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## TABLE OF EXHIBITS

*(Exhibits are numbered, starting with the first page of the first exhibit being #1, and continuing through to the last page of the last exhibit. On this chart, write the page number where each exhibit starts.)*

Exhibit Letter	Brief Description of Exhibit	Page Number
A		
B		