

Notice to Disclose

Court of King's Bench

Notice to Disclose / Application



Resolution Services



Alberta
Government

Instructions

Notice to Disclose / Application

Before you Begin:

- You must have a court file in the Court of King's Bench to use this form. If you do not, talk to us about how to start.
- If you already have an Order for support, you can file a Notice to Disclose / Application only once a year.
- Remember that in most cases when you serve a Notice to Disclose on the other party, you have the same obligation to give them your financial information. Ask us for the "Providing Financial Disclosure" instructions and forms, and have those completed and ready to file.

Fill in the Notice to Disclose Form

- Fill in the information at the beginning of the form:
 - Court File Number – Your file number as written on your other court documents.
 - The Judicial Centre, e.g. Edmonton
 - Both parties' complete names.
 - Your address and phone number.
- Read each item and check off those items that you want the other party to give you.

Warning: You can not ask for items 10 – 16 after a final decision has been made by the court on support.

Copy and File the Notice to Disclose / Application

- Make 2 copies of the complete form
- Bring all 3 copies to the Court of King's Bench Chambers counter to be filed, along with your Disclosure Statement. They will help you choose a court date, then will keep the original, and stamp your copies with their filed stamp.

Serve the Notice to Disclose / Application and Disclosure Statement

- Serve one copy of the both documents to the other party. You may do this by handing it to them, or by sending it by recorded mail.
- It is helpful to also give the other party a copy of the "Providing Financial Disclosure" package, so that they will have the forms and instructions needed to give you their full disclosure.
- Complete an Affidavit of Service.

If you get the information you need, cancel your court date.

- Phone the Chambers Clerk and ask how to cancel your court date.
- Tell the other party that you have cancelled the court date.

If you did not get the information you need, go to court.

- Fill in an Affidavit telling the court which documents you have not been given and what remedy you want from the court.

See our booklet “Making a Court Application” for more information about how to serve court forms and how to present your case in court.

These instructions have been prepared for you by Resolution Services.

Contact us at:

Calgary

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

Edmonton

8th floor, Brownlee Building
10365 – 97 Street
Phone 780-415-0404

Grande Prairie

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

Lethbridge

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

Red Deer

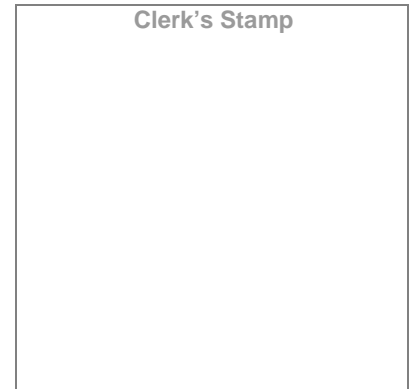
Main Floor, Court House
4909 - 48 Ave
Phone: 403-340-7187

Medicine Hat

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

Outside these centres, contact us toll free at 310-0000

COURT FILE NUMBER _____
COURT Court of King's Bench of Alberta
JUDICIAL CENTRE _____
APPLICANT _____
RESPONDENT _____



DOCUMENT **Notice to Disclose / Application**

ADDRESS FOR SERVICE AND CONTACT INFORMATION OF PARTY FILING THIS DOCUMENT

(Applicant's Name)

(Full address)

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NOTICE TO THE RESPONDENT(S)

This notice is combined with a court application. You are a Respondent.

Unless you provide all of the financial information and documents requested below and receive confirmation that the Applicant has cancelled the hearing, you must be in Court when the application is heard as shown below:

COURT DATE: _____, _____, 20____.
Weekday Month Day Year

TIME: _____
Time of Day

WHERE: _____
Courtroom (if known), Street address of courthouse

BEFORE WHOM: **Justice in Family Chambers**

WARNING

If you do not provide the financial information and documents requested below within the one-month period required by this notice and you do not provide an objection in the manner indicated below, you risk having a penalty imposed on you or an order or sanction being imposed on you by the Court.

(If this application is being used after there has been a final determination in a proceeding relating to child support, or adult interdependent partner support, only the documents in items 1 to 9 may be requested.)

You are hereby required to provide to the Applicant within 1 month of service of this Notice:

- 1. A copy of every personal income tax return you have filed for each of the 3 most recent taxation years. If you have not filed a tax return for the previous year, you must provide copies of your T4, T4A, and all other relevant tax slips and statements disclosing any and all sources of income for the previous year.
- 2. A copy of every notice of assessment and reassessment issued to you for each of the 3 most recent taxation years, or a copy of the Canada Revenue Agency printout of your last 3 years' income tax returns.
- 3. If you are an employee, a copy of each of your 3 most recent statements of earnings indicating your total earnings paid in the year to date, including overtime, or where such a statement is not provided by your employer, a letter from your employer setting out that information, including your rate of annual salary or remuneration.
- 4. If you receive income from employment insurance, social assistance, a pension, workers' compensation, disability payments, dividends or any other source, the most recent statement of income indicating the total amount of income from the applicable source during the current year or, if such a statement is not provided, a letter from the appropriate authority stating the required information.
- 5. If you are a student, a statement indicating the total amount of student funding you have received during the current academic year, including loans, grants, bursaries, scholarships and living allowances.
- 6. If you are self-employed in an unincorporated business:
 - (a) particulars or copies of every cheque issued to you during the last 6 weeks from any business or corporation in which you have an interest, or to which you have rendered a service;
 - (b) the financial statements of your business or professional practice for the 3 most recent taxation years; and
 - (c) a statement showing a breakdown of all salaries, wages, management fees or other payments or benefits paid to yourself, or to persons or corporations with whom you do not deal at arm's length, for the 3 most recent taxation years.
- 7. If you are a partner in a partnership, confirmation of your income and draws from, and capital in, the partnership for its 3 most recent taxation years.
- 8. If you have a 1% or more interest in a privately held corporation:
 - (a) the financial statements of the corporation and its subsidiaries for its 3 most recent taxation years;

- (b) a statement showing a breakdown of all salaries, wages, management fees or other payments or benefits paid to yourself, or to persons or corporations with whom the corporation, and every related corporation, does not deal at arm's length for the corporation's 3 most recent taxation years; and
- (c) a record showing your shareholder's loan transactions for the past 12 months.

- 9. A detailed list of any special or extraordinary expenses claimed (where child support is an issue) as well as copies of receipts or other documentation providing the amount of those expenses, namely:
 - (a) child care costs;
 - (b) health care and extended medical and dental insurance premiums attributable to the child;
 - (c) uninsured health care and dental expenses;
 - (d) extraordinary educational expenses;
 - (e) post-secondary educational expenses; and
 - (f) extraordinary expenses for extracurricular activities.
- 10. If you are a beneficiary under a trust, a copy of the trust settlement agreement and copies of the trust's 3 most recent financial statements.
- 11. Copies of all statements and cancelled cheques for all bank accounts held solely or jointly in your name for the most recent 6 months.
- 12. Copies of credit card statements for all credit cards solely or jointly in your name for the most recent 6 months.
- 13. Your monthly budget of expenses (where spousal or adult interdependent partner support is an issue).
- 14. A sworn itemized list of your income, assets and liabilities (in the form attached as Schedule A).
- 15. Copies of the most recent statement for all RRSPs, pensions, term deposit certificates, guaranteed investment certificates, stock accounts and other investments in your name or in which you have an interest.
- 16. A list of any exemptions claimed (where the action involves the division of matrimonial property).

THE REQUESTED DOCUMENTS ARE TO BE DELIVERED TO:

(Applicant's Name)

(Applicant's full address including postal code)

Note: In circumstances where the particulars of the income of the party serving this Notice are necessary to determine the amount of child support, including circumstances where the parties have shared or split custody or parenting, or there are section 7 expenses being claimed, the party serving the Notice to Disclose is required to send to the other party with this Notice to Disclose, his or her information equivalent to the information being requested.

Clerk's Stamp

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

COURT Court of King's Bench of Alberta

JUDICIAL CENTRE _____
(City or town where court is located)

APPLICANT _____
(Print your full name, as on other court documents)

RESPONDENT _____
(Print the other party's full name, as on other court documents)

DOCUMENT: **Affidavit of Personal Service**

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,
(Name of person who served) (Name of City / Town)

SWEAR / AFFIRM AND SAY THAT:

1. 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 information to be true.
2. I am 18 years of age or older.

3. On _____ I served the Applicant Respondent
(Date)

(Name of person who was served)

with the following documents:

Application form filed: _____
(Date filed)

Originating Application filed: _____
(Date filed)

Affidavit filed: _____
(Date filed)

Claim filed: _____
(Date filed)

Statement filed: _____
(Date filed)

Disclosure Statement filed: _____
(Date filed)

Order filed: _____
(Date filed)

Other: (State the name of the document and the date filed with the court. If it is not a filed document, attach a copy as an exhibit to this Affidavit.)

4. I served the documents listed above by personal service, that is, I left the documents with the
 Applicant Respondent at: (Complete address where you served the Applicant or Respondent)

Sworn (OR Affirmed) before me

on _____, 20 _____

at _____, Alberta.

Commissioner for Oaths
in and for the Province of Alberta, Justice of the Peace
or Notary Public



(Signature of person swearing / affirming Affidavit)

I.D. Verified _____