

About the *Family Law Act*

Court Services

You can use the *Family Law Act* and the instructions in this booklet for:

- guardianship of child(ren)
- parenting of child(ren)
- contact with child(ren)
- child support
- spousal or partner support
- declaration of parentage
- enforcement of time with a child
- other matters found in the *Family Law Act*

You **cannot** use the *Family Law Act* if there is an order or judgment under the *Divorce Act* addressing the same issue.

For information about whether the *Family Law Act* applies to your situation, you should speak with a lawyer.

BEFORE YOU BEGIN ANY PAPERWORK

1) Consider discussing this matter with a lawyer

- A lawyer may give you options for solutions that you may not have considered.
- If you do not have a lawyer, you must put in the time and effort. You will be doing the work of a lawyer without a lawyer's training.

2) Look at other options besides the court system

- Consent - do you agree with the order the other person wants, or does the other party agree with the order you want? Can you talk the situation over with the other party?
- Mediation - a mediator helps you and the other party to come to your own agreed solution, as an alternative to having a judge decide the solution for you.

3) Choose how to respond

- If you agree with the orders asked for by the applicant, you can check the "I agree" box on the Response, file the Response with the court and serve the applicant(s).
- If you disagree with some or all of the orders asked for by the applicant(s), and you want the court to know your story, you should complete the Response and Reply Statement(s) or Affidavit to support your position. You must then file these documents with the court and serve them on the applicant(s).
- If you do not appear in court on the appointed date, the court may make an order in your absence.

4) Attend Parenting after Separation Seminar

- This seminar is highly recommended for all separating parents. For some people, it is mandatory. Is the seminar mandatory for you? See the Notice of Mandatory Seminar sheet, available from the courthouse or visit: www.albertacourts.ab.ca

(Click on "Court Services" header, then "Family Justice Services" category and finally choose "Course/Seminars for Parents and Families").

Remember to print neatly if you are filling in the forms by hand!**1) Complete a Response**

- Copy the names of the applicant(s) and respondent(s) exactly as they appear on the Claim, even if they are spelled wrong. You can ask the Judge to correct the spelling later.
- Copy the Court File Number correctly
- Provide an address for service. **If your address changes, you must tell the court and the applicant(s) in writing or on the record during your hearing.** If you do not want to give the applicant the address where you live, you must provide an address where you can receive documents.
- Choose if you agree or disagree with the orders asked for by the applicant.
- If there are other orders that you want from the court, check boxes for those orders. For example, if the applicant asks for a “Parenting Order” and you want child support, check “Child Support”. **You can ask for more than one order at one time.**
- Indicate whether you have been involved in other legal proceedings with the applicant(s) or the child(ren). If any other application involving the applicant(s) or the child(ren) has been assigned to a case management judge, this application must be made in Alberta Court of King’s Bench and you must advise the clerk.

2) Complete a Reply Statement for each order asked for by the applicant (or complete an Affidavit)

- You may use the Reply Statements provided at the courthouse or on the internet at: www.albertacourts.ab.ca/familylaw. Or you may prepare a sworn/affirmed Affidavit. This is the evidence the court will use to decide your matter.
- Copy the names of the parties exactly as they appear on the Claim.
- Correctly copy the Court File number.
- Provide details. This is your opportunity to tell your story to the judge.
- Attach copies of all documents mentioned in the Reply Statement(s) or Affidavit.
- Number the pages and list the total number of pages including documents you have attached to the Reply Statement or Affidavit.
- Swear/affirm each Reply Statement or Affidavit is true before a Commissioner for Oaths or Notary Public. **There are serious consequences if you do not tell the truth.** All lawyers, notaries public, and certain staff at the courthouse may act as Commissioners for Oaths. No fee is charged at the courthouse for this service. You may be asked for personal identification.
- The applicant(s) or their lawyers may ask you questions under oath about anything you include in your Reply Statement or Affidavit.

3) Complete a Statement for each order you request (or complete an Affidavit)

- You may use the Statements provided at the courthouse or on the internet at: www.albertacourts.ab.ca/familylaw. Or you may prepare a sworn/affirmed Affidavit. This is the evidence the court will use to decide your matter.
- Clearly label the parties’ names at the top of the Statement or Affidavit. Note that **you are the applicant for this Statement.**
- Follow all of the other steps in #2 above.

4) Do you have enough copies? You need:

- The original for the court
- A copy for you (and a copy for any other respondent)
- A copy for each applicant (You may need a copy to serve on the Maintenance Enforcement Program or the Director Child, Youth and Family Enhancement Act. See the Instructions for your specific applications.)
- An extra copy for the judge who may not have a copy on the court file at your hearing.

5) File the Response, Reply Statements, Statement(s), and/or Affidavit with the court clerk

- You must file your documents at the same courthouse where the applicant filed their documents. The top of the Claim will tell you the court location.
- Let the clerk know if a particular judge has already been assigned to your file.
- Receive copies of all filed documents from the clerk. They must have a court stamp on them.
- You need time to serve each applicant and any other respondents at least 10 days before the court date. You do not count the day of the court hearing.

6) Serve these documents on the applicant(s) and any other respondents at least 10 days before the court date:

- Response (filed)
- Reply Statement(s) or Affidavit (filed)
- If applicable, Statement(s) or an Affidavit for any boxes you checked (filed)

You may need to serve a copy of the documents on other individuals (or government departments). See #4 above.

YOU MUST make sure the documents are served on the applicant(s) and any other respondent(s) by:

- leaving the documents at the applicant’s address for service listed at the top of the Claim;
- mailing the documents by prepaid recorded mail to the applicant’s address for service, if there is enough time;
- or faxing the documents to the applicant’s lawyer’s office, if that lawyer has provided a fax number in writing.

7) Complete an Affidavit of Service for each applicant and any other respondent(s)

- Filled out by the person who served the applicant and other respondent(s).
- The person who served the documents must swear/affirm the Affidavit of Service is true before a Commissioner for Oaths or Notary Public.
- File the completed Affidavit of Service (signed and sworn/affirmed) with the clerk before the court date.

8) Changing the Court Date

- If you ask for financial information, the applicant has 1 month to provide it. This means the court date may need to be changed.
- If you and the other parties agree to change your court date to a later date (for example, to attend mediation), phone the clerk’s office where you filed your Response and ask how to adjourn (change) the court date.
- If one of the parties does not agree to change the court date you must appear in court.

9) Attend Court

Bring with you:

- all of your paperwork and documents (including your filed Affidavits of Service)
- pen and paper to take notes

NOTES

- Consider discussing the matter with a lawyer
- Consider options for solutions besides the court system (eg. consent or mediation)
- Attend the Parenting After Separation Seminar (may be mandatory)
- Complete a Response
- Complete the Reply Statement(s) or an Affidavit and swear/affirm them to be true before a Commissioner for Oaths.
- Complete a Statement or an Affidavit for any additional orders you have requested in your Response (if any), and have the Statement(s) or Affidavit sworn/affirmed
- Make enough copies of your Response, Reply Statement(s) (and Statement(s), if any), or Affidavit
- File Response, Reply Statement(s) (and Statement(s), if any), or Affidavit with the clerk at the courthouse
- Serve these documents on the applicant(s) and any other respondent(s)
 - Response
 - Reply Statement(s) or Affidavit
 - Statement(s) or Affidavit (if any)
- File an Affidavit of Service for each person served

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HELP IS AVAILABLE

1. Lawyers

Lawyer Referral Service (Alberta)
Dial-A-Law

Tel: 403-228-1722
Tel: 403-234-9022
Toll Free: 1-800-661-1095

**Calgary
Calgary**

Legal Aid Alberta

Tel: 403-297-2260
Tel: 780-427-7575

**Calgary Legal Services Centre
Edmonton Legal Services Centre**

Toll Free: 1-866-845-3425 **Elsewhere in Alberta**

2. Family Justice Services

Family Law Information Centres (FLIC)

Tel: 403-297-6981*
Tel: 780-415-0404*
Tel: 780-833-4234*
Tel: 403-388-3102*
Tel: 403-529-8715*
Tel: 403-755-1468*

**Calgary
Edmonton
Grande Prairie
Lethbridge
Medicine Hat
Red Deer**

Family Mediation

Tel: 403-297-6981*
Tel: 780-427-8329*
Tel: 403-340-7187*

**Calgary
Edmonton
Elsewhere in Province**

3. Websites

www.albertacourts.ab.ca
<http://acjnet.org/abservices/legal.aspx>

**** call any of the numbers toll-free through the RITE line by dialing 310-0000
Check your courthouse for more detailed information about services available in your area.***