

In the Supreme Court of British Columbia

Claimant:

JOHN JAMES DOE

Respondent:

JANE JANICE DOE

COUNTERCLAIM

Filed by: Jane Janice Doe, Respondent

This counterclaim has been made by the above-named respondent(s) for the relief set out in section 1 below.

If you intend to respond to this Counterclaim, you or your lawyer must

1. file a Response to Counterclaim in Form F6 in the above-named registry of this court within 30 days after the date on which this copy of the filed Counterclaim was served on you, and
2. serve a copy of the filed Response to Counterclaim on all parties.

Orders, including orders granting the relief claimed, may be made against you if you fail to file the Response to Counterclaim within the 30 day period referred to above.

1. Counterclaim

The respondent is asking for the following:

- An order for divorce. [Schedule 1 is attached.]
- An order respecting child(ren). [Schedule 2 is attached.]
- An order for spousal support. [Schedule 3 is attached.]
- An order relating to family property and family debt. [Schedule 4 is attached.]
- Another order. [Schedule 5 is attached.]
- An order for costs.

2. The respondent's address for service is:

Address for service: 123 Queen Street
Vancouver, British Columbia, V1A 2B3

Fax: 604-123-4567

Email: none

Date: 1 February 2013

Jane Doe

JANE JANICE DOE

The Respondent

Note to Claimant AND Respondent

You may be required to file **financial information** (Form F8) if there is a claim against you for the support of a child, spouse or parent. See the note at the end of Schedules 1 and 2 of this Counterclaim for details.

If you do not file the financial information that is required, the court may attribute an amount of income to you, and make a support award against you, based on that amount.

Court File No.: E131234
 Court Registry: Vancouver

In the Supreme Court of British Columbia

Claimant:

JOHN JAMES DOE

Respondent:

JANE JANICE DOE

SCHEDULE 1: DIVORCE

THIS IS SCHEDULE 1 TO THE COUNTERCLAIM OF JANE JANICE DOE

1. Personal information

	Claimant	Respondent
Birthdate:	1 January 1975	1 January 1975
Ordinarily resident in British Columbia since:	Birth	1990
Surname at birth:	Doe	Smith
Surname immediately before marriage:	Doe	Smith
Marital status immediately before marriage:	<input checked="" type="checkbox"/> never married <input type="checkbox"/> divorced <input type="checkbox"/> widowed	<input type="checkbox"/> never married <input checked="" type="checkbox"/> divorced <input type="checkbox"/> widowed
Place of marriage:	Niagara Falls, Ontario, Canada	
Date of marriage:	1 April 1996	

**THIS DOCUMENT IS A SAMPLE DOCUMENT AND IS INTENDED ONLY AS A GENERAL GUIDE.
 IT MAY NOT CONTAIN INFORMATION RELEVANT TO YOUR SITUATION.
 IT SHOULD NOT BE USED AS A PRECEDENT FOR DRAFTING YOUR OWN DOCUMENT.**

2. Ground for the respondent's claim for divorce

The respondent is asking for a divorce on these grounds:

- The parties have **lived separate and apart** since **1 January 2012** AND
- The parties have not lived together since then.
- The parties have lived together again during the following period(s) in an unsuccessful attempt to reconcile: _____
- OR
- Other grounds**, under s. 8(2)(b) of the *Divorce Act* (Canada), _____, AND
- The respondent has not condoned any act relied upon under s. 8(2)(b) of the *Divorce Act* (Canada) as a ground for divorce.

3. The respondent confirms that:

- There is no possibility of reconciliation.
- There has been no collusion, as defined in s. 11(4) of the *Divorce Act* (Canada), in relation to this claim for divorce.

4. Proof of marriage

- A certificate of marriage or of registration of marriage has been filed.
- The claimant states at that a certificate of marriage or of registration of marriage has been filed at Schedule 1, section 4 to the Notice of Family Claim
- A certificate of marriage or of registration of marriage is not being filed with this Notice of Family Claim because _____, and the certificate will be filed before this claim is set down for trial or an application is made for an order of divorce.
- It is impossible to obtain a certificate of marriage or of registration of marriage because _____.

5. Children

- There are no children of the marriage as defined by the *Divorce Act* (Canada).
- The children of the marriage are:

Full name:	Birthdate:	Resides with:
Jennifer Jean Doe	1 January 2000	Respondent

Jeffrey Jonas Doe	1 January 2002	Respondent
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Date: 1 February 2013

Jane Doe

JANE JANICE DOE
The Respondent

In the Supreme Court of British Columbia

Claimant:

JOHN JAMES DOE

Respondent:

JANE JANICE DOE**SCHEDULE 2: CHILDREN**THIS IS SCHEDULE 2 TO THE COUNTERCLAIM OF **JANE JANICE DOE****1. Identification of child(ren)**

The respondent is asking for an order in respect of the following child or children:

Child's name:	Child's birthdate:	Child's relationship to the claimant:	Child's relationship to the respondent:	Child habitually resident in BC since:	Child now living with:
Jennifer Jean Doe	1 Jan 2000	Natural child	Natural child	Birth	Respondent
Jeffrey Jonas Doe	1 Jan 2002	Natural child	Natural child	Birth	Respondent

2. Orders sought

The respondent is asking for the following order(s):

- | |
|---|
| <input checked="" type="checkbox"/> an order respecting arrangements for parenting for a child or children. [Complete sections 3 and 4 below.]
<input checked="" type="checkbox"/> an order for child support. [Complete sections 5, 6 and 7 below.] |
|---|

3. Current arrangements for parenting

The current arrangements for parenting are:

The children live primarily with me and spend time with the claimant after school a few days a week and on every other weekend.

4. Proposed arrangements for parenting

The respondent proposes the following arrangements for parenting:

The children should continue to live with me and the claimant should have parenting time with the children on every Tuesday and Thursday from after school until 8:00pm, and on every other weekend, from after school on Friday to the start of school on Monday morning. The claimant and I should share parental responsibilities for the children, but when we are unable to agree on an issue, I should be able to make the decision.

The respondent is asking for this order under:

- the *Divorce Act* (Canada)
- the *Family Law Act*

5. Current child support arrangements

The current child support arrangements for the child(ren) are:

The claimant refuses to provide me with child support.

6. Income of person being asked to pay child support

- The respondent does not know the income of the person being asked to pay child support.
- The respondent believes that the income of the person being asked to pay child support is \$50,000 based on these facts:

The claimant is currently laid off but earned \$50,000 at his last job.

7. Proposed child support arrangements

The respondent is asking for:

- support in the amount set out in the Child Support Guidelines table for the following child(ren): Jennifer Jean Doe and Jeffrey Jonas Doe.
- special or extraordinary expenses in accordance with s. 7 of the Child Support Guidelines for the following child(ren): Jennifer Jean Doe and Jeffrey Jonas Doe.

by consent, an order for support in an amount different than the amount set out in the Child Support Guidelines table for the following child(ren): _____

The respondent is asking for an order for child support under:

the *Divorce Act* (Canada)

the *Family Law Act*

Date: 1 February 2013

Jane Doe

JANE JANICE DOE

The Respondent

Note to Claimant AND Respondent

You must file **financial information** (Form F8) if:

- there is a claim against you for the support of a child, OR
- you are claiming child

unless all of the following conditions apply:

- (a) you are making no claim for any other kind of support;
- (b) you are not applying for special expenses under s. 7 of the Child Support Guidelines;
- (c) the child support is for children who are not stepchildren;
- (d) none of the children for whom child support is claimed is 19 years of age or older;
- (e) there is no application for a shared custody order;
- (f) the income of the party being asked to pay child support is under \$150,000 per year;
- (g) there is no application for a split custody order; and,
- (h) you are not making a claim based on undue hardship under s. 10 of the Child Support Guidelines.

If you do not file the financial information that is required, the court may attribute an amount of income to you, and make a support award against you, based on that amount.

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Court File No.: E131234
Court Registry: Vancouver

In the Supreme Court of British Columbia

Claimant:

JOHN JAMES DOE

Respondent:

JANE JANICE DOE

SCHEDULE 4: PROPERTY AND DEBT

THIS IS SCHEDULE 4 TO THE COUNTERCLAIM OF JANE JANICE DOE

1. The respondent claims

A. Property claims under the *Family Law Act*

The respondent is asking for an order for:

- equal division of family property and family debt
- unequal division of family property and family debt, as follows on the following grounds:

The address and legal description of any real property in which the respondent claims an interest as family property are:

123 Queen Street in Vancouver, British Columbia, V1A 2B3

PID: 123-456-789

Lot 12, District Lot 34, Block 56, Plan 789, New Westminster Land District

B. Other property claims

The respondent claims:

- an interest in the following property:

an order for compensation instead of an interest in the property described as

on the following grounds:

2. Certificate of Pending Litigation

The respondent is applying for a Certificate of Pending Litigation to be registered against the following real property:

PID: 123-456-789

Lot 12, District Lot 34, Block 56, Plan 789, New Westminster Land District

Date: 1 February 2013

Jane Doe

JANE JANICE DOE

The Respondent

In the Supreme Court of British Columbia

Claimant:

JOHN JAMES DOE

Respondent:

JANE JANICE DOE**SCHEDULE 5: OTHER ORDERS**THIS IS SCHEDULE 5 TO THE COUNTERCLAIM OF **JANE JANICE DOE**

The respondent is asking for the following orders:

- an order under the *Name Act* that the respondent's name be changed from **Jane Janice Doe** to **Jane Janice Smith**
- the following orders under the *Family Law Act*:
 1. a declaration that the respondent and I are guardians of the children under s. 39; and,
 2. an order that the respondent be restrained from disposing or encumbering the family property and other property at issue under s. 91,
- the following other orders:
 1. costs

Date: 1 February 2013

*Jane Doe*_____
JANE JANICE DOE

The Respondent