

**FORM 70 B
COUNTERPETITION
(AGAINST PETITIONER AND PERSON NOT ALREADY
PARTY TO MAIN ACTION)**

(Where all respondents to the counterpetition are already parties to the main action, use Form 70 F.)

(General heading)

(Add a second title of proceeding, as follows:)

AND BETWEEN:

(name)

Petitioner by counterpetition

(Court seal)

and

(name)

Respondents to the counterpetition

ANSWER AND COUNTERPETITION

TO THE RESPONDENTS TO THE COUNTERPETITION

A LEGAL PROCEEDING has been commenced against you by way of a counterpetition in a divorce action in this court.

IF YOU WISH TO DEFEND THIS PROCEEDING, you or a lawyer acting for you must prepare an answer to counterpetition in Form 70F and a designation of address for service (Form 16A.1) prescribed by the Rules of Civil Procedure, serve it on the petitioner by counterpetition's lawyer or, where the petitioner by counterpetition does not have a lawyer, serve it on the petitioner by counterpetition, and file it, with proof of service, in this court office, WITHIN TWENTY DAYS after this answer and counterpetition is served on you, if you are served in Prince Edward Island.

If you are not already a party to the main action and you are served in another province or territory of Canada or in the United States of America, the period for serving and filing your answer is forty days. If you are served outside Canada and the United States of America, the period is sixty days.

If you are not already a party to the main action, instead of serving and filing an answer, you may serve and file a notice of intent to defend in Form 70H prescribed by the Rules of Civil Procedure. This will entitle you to ten more days within which to serve and file your answer.

IF YOU FAIL TO DEFEND THIS COUNTERPETITION, JUDGMENT MAY BE GIVEN AGAINST YOU IN YOUR ABSENCE AND WITHOUT FURTHER NOTICE TO YOU.

(Date)

Issued by _____

Registrar

Address of court office _____

TO *(Name and address of respondent
to the counterpetition other
than the petitioner)*

AND TO *(Name and address of petitioner's*

lawyer or petitioner)

(The counterpetition is to follow the last paragraph of the answer. Number the paragraphs in sequence commencing with the number following the number of the last paragraph of the answer.)

COUNTERPETITION

The respondent (name if more than one respondent) claims: (State here the precise relief claimed. If the respondent wishes to include provisions of a separation agreement in the decree, refer to the specific provisions to be included.) (Then set out in separate, consecutively numbered paragraphs each allegation of material fact relied on to substantiate the counterpetition.)

DECLARATION OF RESPONDENT

I have read and understand this counterpetition. The statements in it are true, to the best of my knowledge, information and belief.

I certify to this court that I am aware of my duties under sections 7.1 to 7.5 of the *Divorce Act*.

Dated _____

Signature of respondent (Where the respondent acts in person, set out the respondent's address, telephone number, and email address, and strike out the statement of lawyer appearing below. Where the counterpetition does not include a claim for a divorce, strike out the statement of lawyer appearing below.)

Respondent's address, telephone number, and email address

STATEMENT OF LAWYER

I, (name), lawyer for the respondent, certify to this court that I have complied with the requirements of section 7.7 of the *Divorce Act*. (Where in the circumstances it would clearly not be appropriate to discuss the matters in section 7.7(1) and/or section 7.7(2)(a) with the respondent, set out the circumstances.)

Date _____

Signature of lawyer
(Name, address, telephone number and email address of lawyer)