

**SUPREME COURT OF YUKON**

Between

Plaintiff

and

Defendant

**STATEMENT OF CLAIM  
(Family Law – Common Law)**

(Name and address of each plaintiff)

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(Name and address of each defendant)

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**TAKE NOTICE** that these legal proceedings have been commenced against you by the plaintiff(s) for the claim(s) set out in this Statement of Claim (Family Law – Common Law).

**IF YOU INTEND TO DEFEND** these claim(s), or if you have a counterclaim, **YOU OR YOUR LAWYER MUST:**

- (a) **FILE AN APPEARANCE** in Form 9 in the court registry, at the Court Registry in the Law Courts Building (address shown below), within the time for Appearance provided for below. **YOU MUST ALSO DELIVER** a copy of the Appearance to the plaintiff's address for delivery, which is set out in this Statement of Claim (Family Law - Common Law); and
- (b) **FILE A STATEMENT OF DEFENCE (FAMILY LAW – DIVORCE AND COMMON LAW)** in Form 92 at the Court Registry in the Law Courts Building within the Time for Defence provided for below and **DELIVER** a copy of the Statement of Defence (Family Law – Divorce and Common Law) to the plaintiff's address for delivery.

You or your lawyer may file the Appearance and the Statement of Defence (Family Law – Divorce and Common Law). You may obtain the appearance and statement of defence forms at the Court Registry.

**AN ORDER MAY BE MADE AGAINST YOU IF:**

- (a) **YOU DO NOT FILE** the Appearance within the time provided for below;  
or
- (b) **YOU DO NOT FILE** the Statement of Defence (Family Law – Divorce and Common Law) within the time provided for below.

**TIME FOR APPEARANCE**

If this Statement of Claim (Family Law – Common Law) is served on you, the time for Appearance is (not including the day of service):

- (a) in Yukon:
  - (i) 7 days from the day of service.
- (b) outside Yukon:
  - (i) 21 days if you reside in Canada;
  - (ii) 28 days if you reside in the United States; and
  - (iii) 42 days if you reside anywhere else.

The above does not apply if the time for Appearance and/or Statement of Defence (Family Law – Divorce and Common Law) has been set by a Court Order in which case the dates set by the Court apply.

**TIME FOR DEFENCE**

**YOU MUST FILE AND DELIVER** a Statement of Defence (Family Law – Divorce and Common Law) to the plaintiff within 14 days from the end of the time for Appearance set out above.

OR

If the time to file the Statement of Defence (Family Law – Divorce and Common Law) has been set by order of the court, within that time.

(1) **COURT REGISTRY ADDRESS:**

The Law Courts  
2134 Second Avenue  
Whitehorse, Yukon.  
Y1A 5H6  
Telephone: (867) 667-5937  
Fax: (867) 393-6212

(2) **PLAINTIFF'S ADDRESS FOR DELIVERY** (**Required:** (per Rules 4(10) and (11))  
**must be a residential address OR business address AND postal address in Yukon:**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Optional:

Telephone: \_\_\_\_\_  
Email address: \_\_\_\_\_  
Fax number for delivery: \_\_\_\_\_

(3) **PLAINTIFF'S LAWYER IS:**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**PLAINTIFF'S CLAIM FOR RELIEF**

**INSTRUCTIONS TO THE PLAINTIFF:**

Complete the following:

1. The Summary of Relief Sought;
2. Parts A to D; and
3. Any of Parts E to H that apply.

Omit the paragraphs that are not relevant or relied upon.

If a paragraph or Part is omitted, the remaining paragraphs and Parts **MUST NOT** be renumbered.

If a paragraph is added, give it a decimal subnumber (e.g. a paragraph added after paragraph 7 must be numbered 7.1, etc.). If a paragraph is added after paragraph 21, it must be given the next whole number (e.g. paragraph 22).

**SUMMARY OF RELIEF SOUGHT**

**THE PLAINTIFF CLAIMS THE FOLLOWING RELIEF FROM THE DEFENDANT (MARK BOXES):**

- Custody of child(ren)
- Access to child(ren)
- Child support
- Spousal support
- Division of assets
- Costs: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
- Other relief (specify)  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**PART A: PARTICULARS OF PARTIES**

1. The plaintiff is [*first/middle/last name*]: \_\_\_\_\_  
\_\_\_\_\_  
[*address*] \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
2. The plaintiff was born on [*date*]: \_\_\_\_\_
3. The plaintiff has been ordinarily resident in Yukon since: \_\_\_\_\_  
\_\_\_\_\_
4. The defendant is [*first/middle/last name*]: \_\_\_\_\_  
\_\_\_\_\_  
[*address*] \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
5. The defendant was born on [*date*]: \_\_\_\_\_
6. The defendant has been ordinarily resident in Yukon since: \_\_\_\_\_  
\_\_\_\_\_

7. *[Insert name (first/middle/last name) and address of any other party who is joined in the action]:* \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**PART B: RELATIONSHIP OF PARTIES**

8.  The plaintiff and defendant commenced living together on [date]: \_\_\_\_  
\_\_\_\_\_

9.  The plaintiff and defendant stopped living together on [date]: \_\_\_\_\_  
\_\_\_\_\_

**OR**

The plaintiff and defendant never lived together

**OR**

Other [explain]: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**PART C: CHILDREN**

10.  The child(ren), as defined by the *Family Property and Support Act*, is/are:

Name [first/middle/last name]: \_\_\_\_\_

Birth Date: \_\_\_\_\_

Person with whom child resides: \_\_\_\_\_

Name [first/middle/last name]: \_\_\_\_\_

Birth Date: \_\_\_\_\_

Person with whom child resides: \_\_\_\_\_

Name [first/middle/last name]: \_\_\_\_\_

Birth Date: \_\_\_\_\_

Person with whom child resides: \_\_\_\_\_

[add more if needed]

**OR**

There are no children as defined by the *Family Property and Support Act*, **who are the subject of this family law proceeding.**

**PART D: OTHER PROCEEDINGS AND AGREEMENTS**

11.  There are no other legal proceedings or agreements between the parties.

**OR**

- There are other legal proceedings or agreements and the particulars are:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**PART E: CUSTODY AND ACCESS**

*[Complete this part if an Order for custody and/or access to child(ren) is sought]*

12. The child(ren) for whom an Order for custody and/or access is sought is/are:

- set out child(ren) name(s);

Name *[first/middle/last name]*: \_\_\_\_\_

Habitually resident in Yukon since \_\_\_\_\_

Name *[first/middle/last name]*: \_\_\_\_\_

Habitually resident in Yukon since \_\_\_\_\_

Name *[first/middle/last name]*: \_\_\_\_\_

Habitually resident in Yukon since \_\_\_\_\_

*[add more as needed]*

**OR**

- the child(ren) are not habitually resident in Yukon

Name *[first/middle/last name]*: \_\_\_\_\_

Name *[first/middle/last name]*: \_\_\_\_\_

Name *[first/middle/last name]*: \_\_\_\_\_

*[add more as needed]*

Set out grounds for jurisdiction under s. 37(1)(b) or 38 of the *Children's Law Act*: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

13. The plaintiff seeks such Orders under the *Children's Law Act*.

14. The circumstances of the past, present and proposed care of the child(ren) are as follows *[set out particulars]*: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

**PART F: CHILD SUPPORT AND/OR SPOUSAL SUPPORT**

[Complete this part if you seek an Order for support]

- 15.  The plaintiff seeks an Order for child support under the *Family Property and Support Act*, and the *Yukon Child Support Guidelines*; and/or
- 16.  The plaintiff seeks an Order for spousal support under the *Family Property and Support Act*.
- 17.  The financial position of the plaintiff and of the child(ren) in the plaintiff's care is set out in a financial statement that will be:
  - served with this document.

**OR**

- delivered or served after service of this document.

**OR**

- The financial position of the plaintiff and of the child(ren) in the plaintiff's care is as follows [set out particulars]: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

- 18.  The plaintiff will require the defendant to complete and deliver a financial statement to the plaintiff, outlining the defendant's:
  - income;
  - expenses;
  - property.

**OR**

- The financial position of the defendant is as follows [set out particulars]: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**PART G: DIVISION OF ASSETS**

[Complete this part if you seek an Order for division of assets]

19.  The plaintiff seeks an order based on the law of resulting trust, express trust or unjust enrichment (constructive trust) for:

an equal division of assets.

**OR**

an unequal division of assets on the following basis [*set out particulars*]:

**AND/OR**

compensation for work done:

in a business.

to construct or renovate real estate.

other [*specify*]: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

20. (a) The assets owned by each of the parties are set out in the financial statement that will be:

served with this document.

**OR**

delivered or served after service of this document.

**OR**

(b) The assets owned by each of the parties are [*set out particulars*]:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

(c) The legal description of land in which the plaintiff claims an interest is [*set out legal description*]: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_



**PART H: COSTS AND OTHER RELIEF**

[Complete this part if you seek costs or other relief]

21. The plaintiff seeks the following relief [set out any other Orders sought and the sections of the *Act, Rules of Court*, or the principle of law relied upon and the particulars]:

Costs: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Other relief (please specify) \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Dated \_\_\_\_\_

\_\_\_\_\_  
Signature [*Plaintiff or Plaintiff's Lawyer*]

\_\_\_\_\_  
Print Name [*Plaintiff or Plaintiff's Lawyer*]