

FORM 70A.1
THE KING'S BENCH (FAMILY DIVISION)
_____ Centre

BETWEEN:

(full name)

petitioner

– and –

(full name)

co-petitioner

JOINT PETITION FOR DIVORCE

A LEGAL PROCEEDING HAS BEEN COMMENCED by the co-petitioners claiming a DIVORCE under the *Divorce Act* (Canada) (and claiming other relief, particulars of which are found in the attached pages).

NEITHER SPOUSE IS FREE TO REMARRY until a divorce has been granted and has taken effect. Once a divorce has taken effect, you may obtain a certificate of divorce from this court office.

Date

Issued by _____
Registrar

Court of King's Bench - _____ Centre

(court address)

DETAILS OF THE CLAIM

1. The parties jointly seek an order for the following relief pursuant to the *Divorce Act* (Canada):

- Divorce
- Parenting arrangements
 - parenting time
 - decision-making responsibility
 - other (specify): _____
- Child support
 - table amount
 - special or extraordinary expenses
 - other amount
- Spousal support
- Costs

2. The parties jointly seek an order for the following relief pursuant to provincial legislation:

- Non-cohabitation
- Parenting arrangements
 - parenting time
 - decision-making responsibility
 - other (specify): _____
- Declaration of parentage
- Child support
 - table amount
 - special or extraordinary expenses
 - other amount
- Spousal support
- Division of family property
 - equal
 - unequal
- Exclusive occupation of family home
- Partition or sale
- Postponement of sale
- Protective relief, including
 - prohibition against following
 - prohibition against contact/communication
 - prohibition against attendance
 - driving suspension/disqualification (section 15(1) of *The Domestic Violence and Stalking Act*)
 - other (specify): _____
- Financial disclosure
- Costs
- Other (specify): _____

3. Details of the relief claimed:

The *Divorce Act* (Canada) s. 8(2)(a): There has been a breakdown of our marriage by virtue of the fact we are living separate and apart.

(When "Other" relief is claimed, set out in separate, consecutively numbered paragraphs the precise relief claimed and each allegation of material fact relied on to substantiate the claim.)

4. Reconciliation:
There is no possibility of reconciliation or resumption of cohabitation.

5. There has been no collusion in relation to this petition.

6. Particulars of relationship:

(a) Date and place of marriage:

_____ in _____
(day) (month) (year) (city/town) (province/country)

(b) If parties cohabited before marriage to each other, date cohabitation commenced:

(day) (month) (year)

(c) Date cohabitation ceased:

(day) (month) (year)

(d) Surname of each party immediately before marriage:

Petitioner: unchanged; or

Co-petitioner: unchanged; or

(e) Full name at birth:

Petitioner Co-petitioner

(f) Marital status of spouses at time of marriage:

Petitioner: never married divorced widowed
Co-petitioner: never married divorced widowed

(g) The petitioner was born at _____
(city/town) (province/country)

on _____
(day) (month) (year)

(h) The co-petitioner was born at _____
(city/town) (province/country)

on _____
(day) (month) (year)

7. (a) The petitioner's full address (*including postal code*):

(b) The co-petitioner's full address (*including postal code*):

(c) One of the parties has been habitually resident in the Province of Manitoba for at least one year preceding the date of the filing of this petition.

8. Children:

(a) The names and dates of birth of all children of the parties or either of them, and of any child for whom either stand in the place of a parent:

(b) The parties propose the following parenting arrangements:

(Set out the kind of parenting order proposed [specifics of parenting time and decision-making responsibility] for each child.)

(c) Child support is claimed for:

(d) The following child support arrangements are proposed:

9. The dates of all written or oral agreements between the parties are:

10. The particulars of all orders, processes and court proceedings affecting any party to this proceeding, including any of the following:

(Give details of any such orders, processes, proceedings, etc. – e.g. nature of the matter, date, court, court file/incident number, status, etc. or state NONE if there are no orders, processes and court proceedings affecting any party.)

(a) an order or proceeding in relation to parenting arrangements, child support, spousal support or property;

(b) a civil protection order or a proceeding in relation to such an order;

(c) a child protection order, proceeding, agreement or measure;

(d) an order, proceeding, undertaking or recognizance in relation to any matter of a criminal nature.

11. Certification of parties under the *Divorce Act* (Canada):

I certify that I am aware of my duties and responsibilities under the *Divorce Act* (Canada), as follows:

(Strike out paragraph 11(a) if parenting time or decision-making responsibility is not being sought under the Divorce Act (Canada).)

(a) If I am granted parenting time or decision-making responsibility:

(i) I will exercise it in a manner that is consistent with the best interests of the child,

(ii) Before changing my place of residence or that of the child I must give notice in the manner required by the *Divorce Act* (Canada) to anyone who has parenting time, decision-making responsibility or contact under a contact order respecting the child*,

(iii) Before relocating myself or the child I must give notice at least 60 days before the expected date of the proposed relocation and in the form prescribed by the regulations under the *Divorce Act* (Canada), to any other person who has parenting time, decision-making responsibility or contact under a contact order respecting the child of my intention*;

(Strike out paragraph 11(b) if there are no children of the marriage.)

(b) I will, to the best of my ability, protect any child of the marriage from conflict arising from this proceeding;

(c) I will, to the extent that is appropriate to do so, try to resolve this matter with the other party through a family dispute resolution process;

(d) I will provide all complete, accurate and up-to-date information that is required by the *Divorce Act* (Canada).

(e) I will comply with any order made under the *Divorce Act* (Canada).

(Strike out all of paragraph 12 if relief is not being claimed under The Family Law Act.)

12. Certification of parties under *The Family Law Act*:

I certify that I am aware of my duties and responsibilities under *The Family Law Act* as follows:

(a) I will act in a way that strives

(i) to minimize conflict;

(ii) to promote cooperation; and

(iii) to meet the best interests of any child involved in the dispute.

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- *Any move—including a local move—is a change of residence.
 - A "relocation" is a move—either by a child or a person with parenting time or decision-making responsibility—that could have a significant impact on the child's relationship with a person with or applying for parenting time or decision-making responsibility or a person who has contact under a contact order.
 - A person with parenting time or decision-making responsibility must give notice before any proposed move to any person with parenting time, decision-making responsibility or contact of a change of their residence or that of the child.
 - Notice of a relocation must be given at least 60 days in advance.
 - A person with contact who proposes any change of residence, must give notice to any person with parenting time, decision-making responsibility or contact. If the proposed change of residence is likely to have a significant impact on the relationship with the child, the notice must be given at least 60 days in advance.
 - **The specific details of the notice requirements are set out in the *Divorce Act*, Canada (s. 16.7 to 16.96) and the required notice forms and descriptions of how to give notice are set out in the Notice of Relocation Regulations under the *Divorce Act*, Canada. See Justice Canada web site: www.laws-lois.justice.gc.ca**

(Strike out paragraph 12(b) if parenting time, decision-making responsibility or contact is not being sought under The Family Law Act.)

(b) If I am granted parenting time or decision-making responsibility or contact with a child under a contact order:

- (i) I will exercise my parental responsibilities or contact in a manner that is consistent with the best interests of the child.
- (ii) Before relocating myself or the child I must give notice at least 60 days before the expected date of the proposed relocation and in the form and manner prescribed by *The Family Law Act* and the *Family Law Regulation* to anyone who:
 - (1) is a parent who has parental responsibilities (a parent with decision-making responsibility, parenting time, custody or access) under an order made under *The Family Law Act* or *The Family Maintenance Act* or by operation of law,
 - (2) is a guardian who has a guardianship order,
 - (3) stands in the place of a parent who has parental responsibilities under a parenting order made under *The Family Law Act*,
 - (4) has contact with the child under a contact order made under *The Family Law Act* or an access order made under *The Child and Family Services Act*, and
 - (5) has applied for a parenting order, a guardianship order or a contact order where the application is pending**.
- (iii) Before changing my place of residence or that of the child I must give notice in the form and manner required by *The Family Law Act* and the *Family Law Regulation* to anyone who:
 - (1) is a parent who has parental responsibilities (a parent with decision-making responsibility, parenting time, custody or access) under an order made under *The Family Law Act* or *The Family Maintenance Act* or by operation of law,
 - (2) is a guardian who has a guardianship order,
 - (3) stands in the place of a parent who has parental responsibilities under a parenting order made under *The Family Law Act*, and
 - (4) has contact with the child under a contact order made under *The Family Law Act* or an access order made under *The Child and Family Services Act***

I understand that if the proposed change of residence is likely to have a significant impact on the relationship with the child, I must give the notice at least 60 days in advance.

**The specific details of the notice requirements under *The Family Law Act* are set out in *The Family Law Act* and the *Family Law Regulation*. The Forms: Notice of Proposed Relocation, Notice of Change of Residence and Notice of Objection to Proposed Relocation are prescribed in the *Family Law Regulation*.

(Strike out paragraph 12(c) if there are no children in the relationship.)

(c) I will, to the best of my ability, protect any child from conflict arising from the proceeding.

(d) I will, to the extent that it is appropriate to do so, try to resolve the matters that may be the subject of an order under *The Family Law Act* through a family dispute resolution process.

(e) I will provide all complete, accurate and up-to-date information that is required by *The Family Law Act* or any other applicable law.

(f) I will comply with any order made under *The Family Law Act*.

13. Declaration of parties:

I have read and understand this petition. Those statements contained in this petition of which I have personal knowledge are true, and those of which I do not have personal knowledge, I believe to be true.

Dated at _____, this _____ day of _____, _____.

Signature of petitioner

Dated at _____, this _____ day of _____, _____.

Signature of co-petitioner

The petitioner’s lawyer is:

The co-petitioner’s lawyer is:

(Name of lawyer)

(Name of lawyer)

(Firm name)

(Firm name)

(Address)

(Address)

(Phone)

(Phone)

(Fax)

(Fax)

(E-mail address)

(E-mail address)

Statement of Lawyer for petitioner under the *Divorce Act* (Canada):

I, _____, the lawyer for _____, the petitioner, certify to this court that I have complied with the requirements of subsections 7.7(1) and 7.7(2) of the *Divorce Act* (Canada).

Dated at _____, this _____ day of _____, _____.

Signature of lawyer for petitioner

Name of lawyer

(Strike out the Statement of Lawyer for Petitioner below if relief is not being claimed under The Family Law Act.)

Statement of Lawyer for petitioner under *The Family Law Act*:

I, _____, the lawyer for _____, the petitioner, certify to this court that I have complied with the requirements of subsection 9(1) of *The Family Law Act*.

Dated at _____, this _____ day of _____, _____.

Signature of lawyer for petitioner

Name of lawyer

Statement of Lawyer for co-petitioner under the *Divorce Act* (Canada):

I, _____, the lawyer for _____, the co-petitioner, certify to this court that I have complied with the requirements of subsections 7.7(1) and 7.7(2) of the *Divorce Act* (Canada).

Dated at _____, this _____ day of _____, _____.

Signature of lawyer for co-petitioner

Name of lawyer

(Strike out the Statement of Lawyer for Co-Petitioner below if relief is not being claimed under The Family Law Act.)

Statement of Lawyer for co-petitioner under *The Family Law Act*:

I, _____, the lawyer for _____, the co-petitioner, certify to this court that I have complied with the requirements of subsection 9(1) of *The Family Law Act*.

Dated at _____, this _____ day of _____, _____.

Signature of lawyer for co-petitioner

Name of lawyer