

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

BETWEEN:

(full name)

petitioner

- and -

(full name)

co-petitioner

JOINT PETITIONER AFFIDAVIT

AFFIDAVIT OF _____ AND _____
(name of petitioner) *(name of co-petitioner)*

We are the joint petitioners, and as such have personal knowledge of the facts and matters hereinafter deposed to by us save and except where same are stated to be based upon information and belief, in which case we verily believe them to be true.

1. Address: *(State the current address of each party)*

Petitioner:

Co-Petitioner:

2. Petition: *(Confirm that all the information contained in the petition is true, or an explanation of any changes)*

3. Reconciliation: *(Provide evidence upon which a judge can decide whether there is any possibility of reconciliation)*

4. Marriage: *(Attach a copy of the marriage certificate as an exhibit. State the date of marriage and that the particulars of the marriage certificate, correspond exactly with the petition)*

5. **Separation:** *(Confirm the date of separation and that the parties have not resumed co-habitation, or provide particulars of any periods of attempted reconciliation)*

6. **Separation Agreement:** *(State the date of any agreement and attach a copy as an exhibit. If there is none, state "there are no separation agreements")*

7. **Court Orders:** *(State the date of any order and attach a copy as an exhibit. If there is none, state "there are no court orders")*

8. **Divorce:** *(Set out the grounds in some detail (i.e., explain why the date of separation is recalled))*

9. (a) **Children:** *(Provide the names, birth dates and present circumstances of all children who are or ever have been children of either party. If none, state "there have never been children of either party")*

(b) **Parenting Arrangements:** *(Provide particulars of the proposed parenting arrangements. Where there is no proposal for parenting time and/or decision-making responsibility for one of the parents, explain)*

(c) **Support for Children:**

(i) *(Identify which party is to pay support)*

(ii) *(State the names of the children for whom support is sought)*

(iii) (State the table amount of support)

\$ _____

(iv) (State the amount and the category of any special or extraordinary expenses and the child or children to whom the amount relates)

\$ _____

(v) (Where a non-table amount is sought, state the amount requested and an explanation of why the amount is reasonable)

\$ _____

(vi) (State the proposed commencement date)

(vii) (State whether the payment should be made through the Maintenance Enforcement Program)

(viii) (Where no amount is sought, give an explanation as to why this is reasonable)

10. Relocation/Change of Residence/Best Interests of the Child:

I acknowledge that:

(Strike out paragraph 10(a) if parenting time or decision-making responsibility is not being sought.)

(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) or *The Family Law Act*, as the case may be.

(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) or *The Family Law Act*, as the case may be.

(Strike out paragraph 10(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.

11. Support for Spouse: *(Particulars of proposed support)*

12. Financial Information:

(Check off the applicable boxes and attach required financial information as Exhibits.)

- If child support, spousal support or division of property is claimed, Parts 1, 2, 3 and 4 of Form 70D Financial Statement must be attached as an exhibit by each party.

- If child support is claimed, each party must attach as an exhibit the documents required under s. 21 of the *Federal Child Support Guidelines* (if one party lives outside Manitoba) or under s. 21 of the *Manitoba Child Support Guidelines Regulation* (if both parties live in Manitoba) that are applicable to them, as follows:
 - a copy of their personal income tax return filed for each of the three most recent taxation years;
 - a copy of every notice of assessment and reassessment issued to them for each of the three most recent taxation years;
 - their most recent statement of earnings or pay slip, or a letter from their employer stating their salary or wages;
 - their corporation’s financial statements if they are self-employed or if they control a corporation;
 - information on income they received from employment insurance;
 - information on income they received from workers’ compensation;
 - information on income they received from disability payments;
 - information on income they received from social or public assistance;
 - information on pension benefits they received;
 - details of any business partnerships;
 - copies of any applicable trust settlement agreements, along with the trust’s three most recent financial statements;
 - information about their corporation’s pre-tax income if they are a shareholder, officer or controller of a corporation.

- No child support, spousal support or division of property is claimed.

13. Counsel: *(Provide the names of counsel for the petitioner and counsel for the co-petitioner. Counsel shall consent to the form and content of any draft judgment. If none state "the petitioner is not represented by counsel/the co-petitioner is not represented by counsel", as the case may be.)*

Petitioner: _____

Co-Petitioner: _____

14. We make this affidavit bona fide and in support of our joint petition for divorce.

Sworn (or Affirmed) before me
in _____, Manitoba,
this ___ day of _____, _____.

Signature of Petitioner

Deputy Registrar for King's Bench or
A Commissioner for Oaths in and for
The Province of Manitoba
My Commission expires: _____

Sworn (or Affirmed) before me
in _____, Manitoba,
this ___ day of _____, _____.

Signature of Co-Petitioner

Deputy Registrar for King's Bench or
A Commissioner for Oaths in and for
The Province of Manitoba
My Commission expires: _____