

SCHEDULE

THE PROVINCIAL COURT

\_\_\_\_\_ Centre

BETWEEN:

(full name)

applicant

– and –

(full name)

respondent

**APPLICATION FOR RELIEF**

TO THE RESPONDENT (full name)

A LEGAL PROCEEDING HAS BEEN COMMENCED AGAINST YOU by the applicant claiming relief. The details of the applicant’s claim are on the attached pages.

IF YOU WISH TO DEFEND THIS PROCEEDING, you or a Manitoba lawyer acting on your behalf must prepare an answer (Form 2), file it in this court office and serve it on the applicant’s lawyer or, where the applicant does not have a lawyer, serve it on the applicant within 16 days after this application for relief is served on you.

IF YOU WISH TO SEEK RELIEF, you may claim it in the answer.

FINANCIAL INFORMATION

If this application for relief contains a claim for child or spousal or common-law partner support, you must prepare a financial statement. You must file and serve your financial statement within the time set out above for filing and serving your answer. If you file and serve an answer, your financial statement must accompany your answer.

IF YOU FAIL TO FILE AND SERVE YOUR COMPLETED FINANCIAL INFORMATION ON TIME, YOU MAY INCUR SERIOUS PENALTIES.

NOTE: If there are no support issues raised in the application for relief or your answer, you do not need to file and serve a financial statement at this time.

**IF YOU FAIL TO FILE AND SERVE AN ANSWER, THE CASE MAY PROCEED IN YOUR ABSENCE AND WITHOUT FURTHER NOTICE TO YOU, AN ORDER MAY BE GRANTED AGAINST YOU ON ANY CLAIM IN THIS APPLICATION FOR RELIEF.**

\_\_\_\_\_ Date

Issued by \_\_\_\_\_ Clerk of Court

Provincial Court - \_\_\_\_\_ Centre

\_\_\_\_\_  
\_\_\_\_\_  
(court address)

DETAILS OF THE CLAIM

1. The applicant seeks an order for the following relief pursuant to *The Family Law Act*:

- Non-cohabitation
- Parenting arrangements
  - parenting time
  - decision-making responsibility
  - contact
  - other (*specify*): \_\_\_\_\_
- Declaration of parentage
- Child support
  - table amount
  - special or extraordinary expenses
  - other amount
- Spousal support /common-law partner support
- Protective relief, including
  - prohibition against following
  - prohibition against contact/communication
  - prohibition against attendance
  - other (*specify*): \_\_\_\_\_
- Financial disclosure
- Costs
- Other (*specify*): \_\_\_\_\_

2. Details of the relief claimed:

(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.)

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3. Particulars of relationship:

(a) Date and place of marriage:

(Where parties are not married to each other, state "not applicable".)

\_\_\_\_\_ in \_\_\_\_\_  
 (day) (month) (year) (city/town) (province/country)

(b) If parties are not married to each other, or cohabited before marriage to each other, date cohabitation commenced:

\_\_\_\_\_  
 (day) (month) (year)

(c) Date cohabitation ceased:

\_\_\_\_\_  
 (day) (month) (year)

(d) Full name at birth:

\_\_\_\_\_

\_\_\_\_\_

Applicant

Respondent

(e) The applicant was born at \_\_\_\_\_  
(city/town) (province/country)  
on \_\_\_\_\_  
(day) (month) (year).

(f) The respondent was born at \_\_\_\_\_  
(city/town) (province/country)  
on \_\_\_\_\_  
(day) (month) (year).

4. (a) The applicant’s full address (including postal code):

\_\_\_\_\_

(b) The respondent’s full address (including postal code):

\_\_\_\_\_

5. 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 applicant proposes the following parenting arrangements:  
*(Set out the kind of order requested [primary care and control, periods of care and control, parenting time, decision-making responsibility] for each child in respect of whom the applicant claims a parenting order.)*

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

(c) The applicant claims child support for:

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

(d) The applicant proposes the following child support arrangements:

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

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

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7. 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 or spousal support;

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

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

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

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8. Financial Information:

(Attached is the applicant's financial statement.)

*(Note: If the applicant is not claiming any child or spousal support, the applicant does not need to attach a financial statement.)*

*(If the application for relief contains a claim for child support, add:)*

(Attached is the applicant's affidavit containing the documents required under section 21 of the *Manitoba Child Support Guidelines Regulation*.)

9. Certification of applicant 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.

*(Strike out paragraph 9(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:

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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 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*.**

- (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.

*(Strike out paragraph 9(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*.

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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 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*.**

10. Declaration of Applicant:

I have read and understand this application for relief. Those statements contained in this application for relief 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 applicant

The applicant's address for service is:

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

The applicant's lawyer is:

\_\_\_\_\_  
(Name of lawyer)

\_\_\_\_\_  
(Firm name)

\_\_\_\_\_  
(Address)

\_\_\_\_\_  
(Phone)

\_\_\_\_\_  
(Fax)

\_\_\_\_\_  
(E-mail address)

Statement of Lawyer under *The Family Law Act*:

I, \_\_\_\_\_, the lawyer for \_\_\_\_\_, applicant, 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

\_\_\_\_\_  
Name of lawyer