

THE PROVINCIAL COURT

_____ Centre

BETWEEN:

(full name)

guardianship applicant

– and –

(full name)

respondent

NOTICE OF APPLICATION FOR GUARDIANSHIP

APPLICATION UNDER *(Statutory provision or rule under which the application is made.)*

TO THE RESPONDENT(S)

(full name(s) and address(es) including postal code(s))

A LEGAL PROCEEDING HAS BEEN COMMENCED by the applicant. The claim made by the applicant appears on the following page.

THIS APPLICATION will come on for a (hearing/initial appearance) before a judge,

on _____, _____, at _____,
(day) (date) (time)

at _____.
(address of court house)

IF YOU WISH TO OPPOSE THIS APPLICATION, you or a Manitoba lawyer acting for you must appear at the hearing.

IF YOU WISH TO PRESENT AFFIDAVIT OR OTHER DOCUMENTARY EVIDENCE TO THE COURT OR TO EXAMINE OR CROSS-EXAMINE WITNESSES ON THE APPLICATION, you or your lawyer must file the evidence in the court office where the application is to be heard as soon as possible, but not later than 2:00 p.m. on a day that is at least seven days before the hearing. You must serve the evidence on the applicant's lawyer or, where the applicant does not have a lawyer, serve it on the applicant within the time for service under the court rules and file proof of service, in the court office in advance of the hearing date.

IF YOU FAIL TO APPEAR AT THE HEARING, JUDGMENT MAY BE GIVEN IN YOUR ABSENCE AND WITHOUT FURTHER NOTICE TO YOU.

Date

Issued by _____
Clerk of Court

Provincial Court - _____ Centre

(court address)

APPLICATION

1. The applicant makes application for: *(State the precise relief claimed. If child support is sought state whether the claim is for an amount of support in the applicable table, an amount for special or extraordinary expenses, or another amount under the guidelines.)*

2. The grounds for the application are: *(Specify the grounds to be argued, including a reference to any statutory provision or rule to be relied on.)*

3. The following documentary evidence will be used at the hearing of the application: *(List the affidavits or other documentary evidence to be relied on.)*

4. 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.

5. 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.

(b) If I am granted guardianship 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.

- (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.

* 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*.

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

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

Signature of applicant

The Applicant's Lawyer is:

(Name of lawyer)

(Firm name)

(Address)

(Phone)

(Fax)

(E-mail address)

Statement of Lawyer:

I, _____, the lawyer for _____, the 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