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.

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Issued by \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Date Registrar

Court of King’s Bench - \_\_\_\_\_\_\_\_\_\_\_ Centre

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*(court address)*

DETAILS OF THE CLAIM

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

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

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

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

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.)*

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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 Co-petitioner:  never married

divorced  divorced

widowed  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:

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(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.)*

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(c) Child support is claimed for:

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(d) The following child support arrangements are proposed:

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

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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;

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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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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[[1]](#footnote-1)\*,

(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:

1. I will act in a way that strives
2. to minimize conflict;
3. to promote cooperation; and
4. to meet the best interests of any child involved in the dispute.

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

1. If I am granted parenting time or decision-making responsibility or contact with a child under a contact order:
2. I will exercise my parental responsibilities or contact in a manner that is consistent with the best interests of the child.
3. 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:
4. 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,
5. is a guardian who has a guardianship order,
6. stands in the place of a parent who has parental responsibilities under a parenting order made under *The Family Law Act*;
7. 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
8. has applied for a parenting order, a guardianship order or a contact order where the application is pending[[2]](#footnote-2)\*\*.
9. 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:
10. 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,
11. is a guardian who has a guardianship order,
12. stands in the place of a parent who has parental responsibilities under a parenting order made under *The Family Law Act*, and
13. 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 12(c) if there are no children in the relationship.)*

1. I will, to the best of my ability, protect any child from conflict arising from the proceeding.
2. 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.
3. 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:  \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_  *(Name of lawyer)*  \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_  *(Firm name)*  \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_  *(Address)*  \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_  *(Phone)*  \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_  *(Fax)*  \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_  *(E-mail address)* | The co-petitioner’s lawyer is:  \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_  *(Name of lawyer)*  \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_  *(Firm name)*  \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_  *(Address)*  \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_  *(Phone)*  \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_  *(Fax)*  \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_  *(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

1. * \*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**](http://www.laws-lois.justice.gc.ca)

   [↑](#footnote-ref-1)
2. **\*\*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*.** [↑](#footnote-ref-2)