

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.)*

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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  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;

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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\*,

(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](http://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.

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\*\*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)*

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*(Phone)*

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*(Phone)*

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*(Fax)*

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*(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