

FORM 70J
THE KING'S BENCH (FAMILY DIVISION)
_____ Centre

BETWEEN:

(full name)

petitioner

– and –

(full name)

respondent

ANSWER

1. The respondent agrees to the following relief sought by the petitioner:

2. The respondent contests the petition as to: *(State issues briefly)*

3. The position of the respondent on these issues is: *(Add schedules, if necessary)*

4. The respondent hereby seeks an order for the following relief:
(Where the answer contains an application for child support, 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.)

5. The respondent's grounds for seeking that relief are:

6. (Attached is the respondent's financial statement (Form 70D)).

(Note: Where there is no claim by either party for support or division of property, the respondent does not need to attach a financial statement nor an affidavit containing the documents required by section 21 of the applicable child support guidelines.)

(If the petition or the answer contains a claim for child support under the Divorce Act (Canada) and either the petitioner or the respondent lives outside Manitoba, add:)

(Attached is the respondent's affidavit containing the documents required under section 21 of the applicable child support guidelines.)

(If a party is served with a Demand for Financial Information in Form 70D.1, they must also provide the financial information required within the time set out in the Demand for Financial Information. FAILURE TO FILE AND SERVE THE COMPLETED FINANCIAL INFORMATION ON TIME MAY RESULT IN SERIOUS PENALTIES).

7. Where partition or sale is at issue, the market value of the property is: \$_____

8. 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.

(Strike out paragraphs 9(a) to 9(c) if the respondent is not claiming a divorce.)

9. Where the respondent is claiming a divorce under the *Divorce Act* (Canada), the following paragraphs must be included.

(a) Reconciliation:

There is no possibility of reconciliation or resumption of cohabitation.

(b) There has been no collusion in relation to this petition.

(Where the petition is under clause 8(2)(b) of the Divorce Act (Canada), add:)

There has been no condonation of or connivance at the grounds for divorce set out in this petition.

(Where there has been condonation or connivance, give particulars and set out the facts relied on to justify a decree of divorce in the circumstances.)

(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.

(Strike out all of paragraph 10 if relief is not being claimed under the Divorce Act (Canada).)

10. *Where either party is claiming a divorce or another order under the Divorce Act (Canada), the respondent must sign the following certification:*

Certification of respondent 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 all of paragraph 10(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 under the *Divorce Act* (Canada):
- (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 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.
- (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 11 if relief is not being claimed under The Family Law Act.)

11. Certification of moving party 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](http://www.laws-lois.justice.gc.ca) under the *Divorce Act*, Canada. See Justice Canada web site: www.laws-lois.justice.gc.ca**

(Strike out paragraph 11(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 under *The Family Law Act*:

(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.

(Strike out paragraph 11(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.

**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*.

- (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*.

12. Declaration of respondent:

I have read and understand this answer. Those statements contained in this answer of which I have personal knowledge are true, and those of which I do not have personal knowledge, I believe to be true.

Date

Signature of respondent

The respondent's address for service is:

The Respondent's Lawyer is:

(Name of lawyer)

(Firm name)

(Address)

(Phone)

(Fax)

(E-mail address)

Where the respondent claims a divorce in the answer, this form must be titled "ANSWER AND PETITION FOR DIVORCE" and the following statement must be included:

(Strike out the Statement of Lawyer below if no divorce is claimed.)

Statement of Lawyer under the *Divorce Act* (Canada):

I, _____, the lawyer for _____, the respondent, 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

Name of lawyer

(Strike out the Statement of Lawyer below if no relief is being claimed under *The Family Law Act*.)

Statement of Lawyer under *The Family Law Act*:

I, _____, the lawyer for _____, the respondent, 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