**THE KING'S BENCH (FAMILY DIVISION)**

**\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_Centre**

BETWEEN:

petitioner

- and -

respondent

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

**MOTION BRIEF**

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

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|  |
|  |

*(Name, address and telephone number of party filing)*

**THE KING'S BENCH (FAMILY DIVISION)**

**\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_Centre**

BETWEEN:

petitioner

- and -

respondent

**MOTION BRIEF**

A MOTION BY                                                                                                            is set for hearing

*(name of party)*

on                               ,                                              at                       , for a period of                      .

*(day)  (date)*   *(time) (length)*

1. The contested issues to be determined are:

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

2. The following material is relevant to the issues and should be read in preparation for the hearing:

*(Where transcripts of examinations are to be used, identify particular questions and answers to be relied upon by page and number.)*

3. Concise statement of facts. *(optional)*

4. The position of the                                                                              on the contested issue(s) is:

*(party)*

*(Identify each contested issue in a separate paragraph and state your position on that issue.)*

5.  A specific point of law will be argued on this motion and I have attached the authorities on which I intend to rely. I have highlighted those portions of the authorities which are relevant.

OR

No specific point of law is intended to be argued and accordingly no authorities are attached.

6.  *(Where child support, income determination, s. 7 re child support guideline contributions, undue hardship or quantum of spousal support are in issue.)* I have attached to this brief all required calculations including tax calculations where applicable.

7. *(Where remission of arrears is in issue:)*

I have attached all necessary calculations showing the payor's income situation during any period of time for which remission of arrears is sought; and

A copy of the motion to remit arrears was served on the Director of Assistance designated under

*The Manitoba Assistance Act* or their authorized representative and the Director under *The Disability Support Act* or their authorized representative on                                          .

*(date)*

8. The undersigned does not expect to file any additional material with regard to this motion.

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

Date Signature of lawyer or party

*(Name of lawyer or party)*

*(Firm name)*

*(Address)*

*(Phone)*

*(Fax)*

*(E-mail address)*

TO:

*(other party's lawyer)*

OR TO:

*(other party)*