

FORM 70E.3
THE KING'S BENCH (FAMILY DIVISION)
_____ Centre

BETWEEN:

(full name)

applicant

— and —

(full name)

respondent(s)

**NOTICE OF APPLICATION FOR SPECIAL RELIEF
UNDER THE *DIVORCE ACT* (CANADA)**

Application for the following relief under the *Divorce Act* (Canada):

- A parenting order under clause 16.1(1)(b) OR a variation of a parenting order under subclause 17(1)(b)(ii)* OR
- A contact order under subsection 16.5(1) OR a variation of a contact order under subclause 17(1)(c)**

Use this form if

*** You are a parent of the child, stand in the place of a parent or intend to stand in the place of a parent of the child and the child's other parent is divorced or seeking a divorce from their spouse under the *Divorce Act* (Canada) AND you are seeking a parenting order respecting the child under s. 16.1(1)(b) or a variation of a parenting order under subclause 17(1)(b)(ii)**

**** You are not a parent of the child and the child's parents are divorced or seeking a divorce AND you are seeking a contact order respecting the child or a variation of a contact order under subclause 17(1)(c)**

Before your application will be heard by the court you may first need to seek leave from the court under the *Divorce Act* (Canada):

See: • s. 16.1(3): leave to apply for parenting order

• s. 16.5(3): leave to apply for contact order

• s. 17(2): leave to apply to vary parenting order under s. 17(1)(b)(ii) by a person to whom the parenting order does not relate.

NOTICE OF APPLICATION

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(n) (hearing/initial appearance) before a (judge/master),
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.

Date

Issued by _____
Registrar

Court of King's Bench - _____ Centre

(court address)

APPLICATION

1. The applicant makes application for: *(State the precise relief claimed)*

- A parenting order under clause 16.1(1)(b) of the *Divorce Act* (Canada)
 - parenting time
 - decision-making responsibility
- A variation of a parenting order under subclause 17(1)(b)(ii) of the *Divorce Act* (Canada)
 - parenting time
 - decision-making responsibility
- A contact order under s. 16.5(1) of the *Divorce Act* (Canada)
- A variation of a contact order under s. 17(1)(c) of the *Divorce Act* (Canada)

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.)*

(Where the notice of application is to be served outside Manitoba without a court order, state the facts and the specific provisions of Rule 17 relied on in support of such service.)

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 *Divorce Act* (Canada):

I certify that I am aware of my duties and responsibilities under the *Divorce Act* (Canada), as follows:

(a) If I am granted parenting time or decision-making responsibility or allocated contact:

(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*.
- (b) If I am granted parenting time or decision-making responsibility, 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*;
- (c) I will, to the best of my ability, protect any child of the marriage from conflict arising from this proceeding;
- (d) I will, to the extent that is appropriate to do so, try to resolve this matter with the respondents through a family dispute resolution process;
- (e) I will provide all complete, accurate and up-to-date information that is required by the *Divorce Act* (Canada);
- (f) I will comply with any order made under the *Divorce Act* (Canada).

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

Signature of applicant

The Applicant's Lawyer is:

(Name of lawyer)

(Firm name)

(Address)

(Phone)

(Fax)

(E-mail address)

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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**

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

I, _____, the lawyer for _____,
the applicant certify to this court that I have complied with the requirements of subsection 7.7(2) of
the *Divorce Act* (Canada).

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

Signature of lawyer

Name of lawyer