

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

BETWEEN:

(full name)

petitioner

– and –

(full name)

respondent

AFFIDAVIT OF PETITIONER'S EVIDENCE

AFFIDAVIT OF _____
(name of petitioner)

I, _____ am the petitioner, and as such have personal knowledge of the facts and matters hereinafter deposed to by me save and except where same are stated to be based upon information and belief, in which case I verily believe them to be true.

1. Service:

(a) *(Identify the signature or photograph of the respondent.)*

(b) *(State the current address of each party.)*

(c) *(If the address for service given by the respondent has changed, explain where service should now be made.)*

2. Petition: *(Confirm that all the information contained in the petition is true, or an explanation of any changes.)*

3. Reconciliation: *(Provide evidence upon which a judge can decide whether there is any possibility of reconciliation.)*

4. Marriage: *(Attach a copy of marriage certificate as an exhibit. State the date of marriage and that the particulars of the marriage certificate correspond exactly with the petition.)*

5. Separation: *(Confirm the date of separation and that the parties have not resumed co-habitation, or provide particulars of any periods of attempted reconciliation.)*

6. Separation Agreement: *(State the date of any agreement and attach a copy as an exhibit. If there is none, state "there are no separation agreements".)*

7. Court Orders: *(State the date of any order and attach a copy as an exhibit. If there is none, state "there are no court orders".)*

8. Divorce: *(Set out the grounds in some detail (e.g.: explain why the date of separation is recalled; explain any admission of adultery - what was said and how the discussion arose).)*

9. (a) Children: *(Provide the names, birth dates and present circumstances of all children who are or ever have been children of either party. If none, state "there have never been children of either party".)*

(b) Parenting Arrangements: *(Provide particulars of the arrangements for parenting time and decision-making responsibility. Where there is no proposal for parenting time and/or decision-making responsibility for one of the parents, explain.)*

(c) Support for Children:

(i) *(Identify which party is to pay support.)*

(ii) *(State the names of the children for whom support is sought.)*

(iii) *(State the table amount of support.)*

\$ _____

(iv) *(State the amount and the category of any special or extraordinary expenses and the child or children to whom the amount relates.)*

\$ _____

(v) *(Where a non-table amount is sought, state the amount requested and an explanation of why the amount is reasonable.)*

\$ _____

(vi) *(State the proposed commencement date.)*

(vii) *(State whether the payment should be made through the Maintenance Enforcement Program.)*

(viii) *(Where no amount is sought, give an explanation as to why this is reasonable.)*

10. Relocation/Change of Residence/Best Interests of the Child:

I acknowledge that:

(Strike out paragraph 10(a) if parenting time or decision-making responsibility is not being sought.)

(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) or *The Family Law Act*, as the case may be.

(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) or *The Family Law Act*, as the case may be.

(Strike out paragraph 10(b) if there are no children of the marriage or no children in the relationship.)

(b) I will, to the best of my ability, protect any children of the marriage or children in the relationship from conflict arising from this proceeding.

11. Support for Spouse: *(Particulars of proposed support.)*

12. Financial Information: *(Where there are children of the marriage or where spousal support is sought, attach as an exhibit information as required by Rules 70.05 and 70.07.)*

13. Counsel: *(Provide the name of counsel for the respondent. That counsel shall consent to the form and content of any draft judgment. If none state "the respondent is not represented by counsel".)*

14. Costs:

(a) *(State whether costs are still being sought.)*

(b) *(If costs are being sought, attach a list of disbursements.)*

15. I make this affidavit bona fide and in support of my petition for divorce.

Sworn (or Affirmed) before me
in _____, Manitoba
this ___ day of _____, _____.

Signature of Petitioner

Deputy Registrar for King's Bench or
A Commissioner for Oaths in and for
The Province of Manitoba
My Commission expires: _____