

FORM 70M

File No: FD _____

AFFIDAVIT OF PETITIONER'S EVIDENCE

(Heading as in Form 70A)

AFFIDAVIT OF _____ (Petitioner)(Husband/Wife)
(name of party)

(Recital as in Form 4D)

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: *(State the date of marriage and that the particulars of the certificate of marriage, a copy of which is attached as an exhibit, 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 court.)*

(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:

(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 if parenting time or decision-making responsibility is not being sought.)

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

(Strike out if there are no children of the marriage.)

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 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.)*

(SWORN, etc. as in Form 4D)