FORM 70R

THE KING'S BENCH (FAMILY DIVISION)

 \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Centre

BETWEEN:

*(full name)*

petitioner

– and –

*(full name)*

 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)*