

APPENDIX OF FORMS
FORM 72B

JOINT PETITION FOR DIVORCE

Court File Number

IN THE COURT OF QUEEN'S BENCH OF NEW BRUNSWICK
FAMILY DIVISION
JUDICIAL DISTRICT OF

PETITIONER

- and -

JOINT PETITIONER

Signed and sealed for the Court of Queen's Bench at
Fredericton by the Deputy Registrar of the Court at Fredericton on the day of,

.....
Deputy Registrar

JOINT PETITION FOR DIVORCE
(FORM 72B)

(Strike out portions that are not applicable.)

CLAIM

1 The petitioner and the joint petitioner jointly seek:

- (a) a divorce;
- (b) under the *Divorce Act*
 - (i)
 - (ii)
 - (iii)
- (c) under the *Marital Property Act*
 - (i)
 - (ii)
 - (iii)

(State precisely everything you want the Court to include in the divorce judgment. Everything you want to include must have been agreed to by both spouses. If child support is sought, set out the number of children under the age of majority, the number of children over the age of majority and the nature and amount of any special expenses. If you want to include provisions of a domestic contract, separation agreement, minutes of settlement, previous court order or any other document in the divorce judgment, attach a copy of the document and refer to the specific provisions to be included.)

FOUNDATIONS

2 There has been a breakdown of the marriage by reason of the fact that the spouses have lived separate and apart since the day of, 19.... and are now living separate and apart.

RECONCILIATION

- 3(a) There is no possibility of reconciliation of the spouses.
- (b) (*Where applicable*) The following efforts to reconcile have been made:

PARTICULARS OF MARRIAGE

(*Attach a marriage certificate or explain its absence.*)

- 4(a) The petitioner and the joint petitioner were married on the day of, 19...., at
(*place of marriage*)
- (b) The petitioner’s surname at birth was
- (c) The joint petitioner’s surname at birth was
- (d) The marital status of the petitioner and the joint petitioner at the time of the marriage was: petitioner
..... joint petitioner
- (e) The petitioner was born on theday of, 19....
- (f) The joint petitioner was born on theday of, 19....

RESIDENCE AND JURISDICTION

- 5(a) The petitioner resides at, in the Province of
- (b) The joint petitioner resides at, in the Province of
- (c) (*Check the appropriate box*)
 - The petitioner has been
 - The joint petitioner has been
 - Both the petitioner and the joint petitioner have been

ordinarily resident in the Province of New Brunswick for at least one year immediately preceding the date of the commencement of this proceeding.

CAPACITY

6 Both the petitioner and the joint petitioner are of the full age of 19 years and neither of them suffers from any legal disability.

CHILDREN

7(a) The following are all the living children as defined by the *Divorce Act*:

Full name	Birth date	School and grade or year	Person(s) with whom child lives and length of time child has lived there
.....
.....
.....
.....
.....
.....

The children ordinarily reside in (*municipality and province, state or country*).

(b) The petitioner and the joint petitioner seek an order on consent for custody or joint custody of the following children on the following terms: (*Be sure that this claim agrees with the claim under clause 1(b).*)

Name of child	Terms of the order
.....
.....
.....
.....
.....
.....

(c) The petitioner and the joint petitioner are not seeking an order for custody and

[] are content that a previous court order for custody continue in force, or

[] are attempting to obtain an order for custody in another proceeding, full particulars of which are as follows: (*Give name of court, court file number and particulars of the order or proceeding.*)

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.....

(d) The petitioner and the joint petitioner seek an order on consent for access (a visiting arrangement) with the following children on the following terms: *(Be sure that this paragraph agrees with the claim under clause 1(b).)*

Name of child	Terms of the order
.....
.....
.....
.....
.....
.....

(e) The following is the existing access (visiting arrangement) for the spouse who does not have the children living with him or her. *(Give details such as days of the week, hours of visit and place of access.)*

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.....
.....

(f) The above access (visiting arrangement) is

- satisfactory.
- not satisfactory.

(If not satisfactory, give reasons and describe how access should be changed.)

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.....
.....

(g) The order sought in clause (b) or (d) is in the best interests of the children for the following reasons:

.....
.....

.....
.....
.....

(h) The following changes in the circumstances of the spouses are expected to affect the children, their custody and the access (visiting arrangement) in the future:

.....
.....
.....
.....

(i) The existing arrangements between the petitioner and the joint petitioner for support for the children are as follows:

Amount paid	Time period (weekly, monthly, etc.)	Paid by (petitioner or joint petitioner)	Paid for (name of child)
.....
.....
.....
.....
.....
.....

(j) The existing support arrangements

- are being honoured.
- are not being honoured.

(If not being honoured, specify how much is unpaid and for how long. If you are agree on an order for payment of part or all of the unpaid amount, be sure to include it in the claim under clause 1(b).)

.....
.....
.....

(k) The petitioner and the joint petitioner propose that the support arrangements for the children should be as follows:
(Be sure that this claim agrees with the claim under clause 1(b).)

Amount to be paid	Time period (weekly, monthly, etc.)	To be paid by (petitioner or joint petitioner)	To be paid for name of child)
.....
.....
.....
.....
.....
.....

(k.1) The nature and amount of any special expenses are as follows:

Nature of special expense	Amount to be paid	Time period (weekly, monthly, etc.)	To be paid by (petitioner or joint petitioner)	To be paid for (name of child)
.....
.....
.....
.....

(l) The educational needs of the children

- are being met
- are not being met.

(If not being met, give particulars.)

.....

.....

.....

OTHER COURT PROCEEDINGS

8 The following are all other court proceedings with reference to the marriage or any child of the marriage: *(Give the name of the court, the court file number, the kind of order the court was asked to make and what order, if any, the court made. If the proceeding is not yet completed, give its current status.)*

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DOMESTIC CONTRACTS, SEPARATION AGREEMENTS, MINUTES OF SETTLEMENT OR OTHER FINANCIAL ARRANGEMENTS

9 The spouses have entered into the following domestic contracts, separation agreements, minutes of settlement or other written or oral financial arrangements: *(Give particulars and attach copies. State whether the arrangements are now in effect. If support payments have not been paid in full, state the amount that has not been paid.)*

Date	Nature of arrangements
.....
.....
.....

NO COLLUSION

10 There has been no collusion in relation to this divorce proceeding.

DECLARATION OF PETITIONER AND JOINT PETITIONER

11 The petitioner and the joint petitioner propose that this proceeding be tried at

12(a) I have read and understand this Joint Petition for Divorce. The statements in it are true, to the best of my knowledge, information and belief.

(b) I understand that I have the right to seek independent legal advice concerning this proceeding and to retain my own separate counsel.

(c) I am aware that no application for a division of property under the *Marital Property Act* shall be made later than 60 days after a divorce takes effect except under the circumstances set out in subsection 3(4) of the *Marital Property Act*.

Date
signature of petitioner

Date
signature of joint petitioner

STATEMENT OF SOLICITOR FOR PETITIONER

(Strike out this paragraph if petitioner has not retained a solicitor.)

13 I,, *name* solicitor for the petitioner, certify to this Court that I have complied with the requirements of section 9 of the *Divorce Act*. *(Where in the circumstances it would clearly not be appropriate to discuss the matters in subsection 9(1) with the petitioner, set out the circumstances.)*

I also certify that I have advised the joint petitioner that he or she has the right to seek independent legal advice and retain separate counsel in the proceeding.

Date
signature of solicitor

STATEMENT OF SOLICITOR FOR JOINT PETITIONER

Strike out this paragraph if joint petitioner has not retained a solicitor.)

14 I, , solicitor
for the joint petitioner, certify to this Court that I have complied with the requirements of section 9 of the Divorce Act. (Where in the circumstances it would clearly not be appropriate to discuss the matters in subsection 9(1) with the joint petitioner, set out the circumstances.)

I also certify that I have advised the petitioner that he or she has the right to seek independent legal advice and retain separate counsel in the proceeding.

Date
signature of solicitor

(Give the name, business address and telephone number, including any fax number, of solicitor(s). Give the name, address and telephone number, including any fax number, of the petitioner or the joint petitioner if he or she has not retained a solicitor.)

O.C. 87-380; O.C. 97-640; O.C. 98-337; O.C. 99-699; O.C. 2006-228