

THE QUEEN'S BENCH (FAMILY DIVISION)_____**Centre**

BETWEEN:

(full name)

petitioner

– and –

(full name)

respondent

PETITION FOR DIVORCE

TO THE RESPONDENT *(full name)*

A LEGAL PROCEEDING HAS BEEN COMMENCED AGAINST YOU by the petitioner claiming a DIVORCE under the *Divorce Act* (Canada) (and claiming other relief, particulars of which are found in the attached pages).

IF YOU WISH TO DEFEND THIS PROCEEDING, you or a Manitoba lawyer acting for you must prepare an answer in Form 70J of the *Queen's Bench Rules*, file it in this court office and serve it on the petitioner's lawyer or, where the petitioner does not have a lawyer, serve it on the petitioner:

- WITHIN 20 DAYS after this petition is served on you, if you are served in Manitoba;
- WITHIN 40 DAYS after this petition is served on you, if you are served in another province or territory of Canada or in the United States of America;
- WITHIN 60 DAYS after the petition is served on you, if you are served outside Canada or the United States of America.

FINANCIAL INFORMATION

If this petition contains a claim for child or spousal support or a division of property, you must prepare a financial statement in accordance with Rule 70.07 and Form 70D of the *Queen's Bench Rules* within the time set out above for filing and serving your answer. If you file and serve an answer, your financial statement must accompany your answer.

In addition, if there is a claim for child support and either the petitioner or you live outside Manitoba, you must also prepare an affidavit containing the documents required by section 21 of the *Federal Child Support Guidelines*. You must file and serve the affidavit within the time set out above for filing and serving your answer. If you file and serve an answer, your affidavit must accompany your answer.

IF YOU ARE SERVED WITH A DEMAND FOR FINANCIAL INFORMATION IN FORM 70D.1, YOU MUST ALSO PROVIDE THE FINANCIAL INFORMATION REQUIRED OF YOU WITHIN THE TIME SET OUT IN THE DEMAND FOR FINANCIAL INFORMATION.

IF YOU FAIL TO FILE AND SERVE YOUR COMPLETED FINANCIAL INFORMATION ON TIME, YOU MAY INCUR SERIOUS PENALTIES.

NOTE: If there are no support or property issues raised in the petition or your answer, you do not need to file and serve at this time a financial statement or an affidavit containing the documents required by section 21 of the *Federal Child Support Guidelines*.

IF YOU FAIL TO FILE AND SERVE AN ANSWER, A DIVORCE MAY BE GRANTED IN YOUR ABSENCE AND WITHOUT FURTHER NOTICE TO YOU, AN ORDER MAY BE GRANTED AGAINST YOU ON ANY OTHER CLAIM IN THIS PETITION AND YOU MAY LOSE YOUR RIGHT TO SUPPORT OR A DIVISION OF PROPERTY.

NEITHER SPOUSE IS FREE TO REMARRY until a divorce has been granted and has taken effect. Once a divorce has taken effect, you may obtain a certificate of divorce from this court office.

Date

Issued by _____

Registrar

Court of Queen's Bench – _____ Centre

(court address)

DETAILS OF THE CLAIM

1. The petitioner seeks an order for the following relief pursuant to the *Divorce Act* (Canada):

- | | |
|--|--|
| <input type="checkbox"/> Divorce | <input type="checkbox"/> Child support |
| <input type="checkbox"/> Parenting arrangements | <input type="checkbox"/> table amount |
| <input type="checkbox"/> joint custody | <input type="checkbox"/> special or extraordinary expenses |
| <input type="checkbox"/> primary care and control | <input type="checkbox"/> other amount |
| <input type="checkbox"/> periods of care and control | <input type="checkbox"/> Spousal support |
| <input type="checkbox"/> sole custody | <input type="checkbox"/> Costs |
| <input type="checkbox"/> access | |
| <input type="checkbox"/> other (<i>specify</i>): _____ | |

2. The petitioner seeks an order for the following relief pursuant to provincial legislation:

- | | |
|--|--|
| <input type="checkbox"/> Non-cohabitation | <input type="checkbox"/> Exclusive occupation of family home |
| <input type="checkbox"/> Parenting arrangements | <input type="checkbox"/> Partition or sale |
| <input type="checkbox"/> joint custody | <input type="checkbox"/> Postponement of sale |
| <input type="checkbox"/> primary care and control | <input type="checkbox"/> Protective relief, including |
| <input type="checkbox"/> periods of care and control | <input type="checkbox"/> prohibition against following |
| <input type="checkbox"/> sole custody | <input type="checkbox"/> prohibition against contact/ |
| <input type="checkbox"/> access | communication |
| <input type="checkbox"/> other (<i>specify</i>): _____ | <input type="checkbox"/> prohibition against attendance |
| <input type="checkbox"/> Declaration of parentage | <input type="checkbox"/> driving suspension/disqualification |
| <input type="checkbox"/> Child support | (section 15(1) of <i>The Domestic</i> |
| <input type="checkbox"/> table amount | <i>Violence and Stalking Act</i>) |
| <input type="checkbox"/> special or extraordinary expenses | <input type="checkbox"/> other (<i>specify</i>): _____ |
| <input type="checkbox"/> other amount | <input type="checkbox"/> Financial disclosure |
| <input type="checkbox"/> Spousal support | <input type="checkbox"/> Costs |
| <input type="checkbox"/> Division of family property | <input type="checkbox"/> Other (<i>specify</i>): _____ |
| <input type="checkbox"/> equal | |
| <input type="checkbox"/> unequal | |

3. Details of the relief claimed:

(When "Other" relief is claimed, set out in separate, consecutively numbered paragraphs the precise relief claimed and each allegation of material fact relied on to substantiate the claim.)

4. Reconciliation:

There is no possibility of reconciliation or resumption of cohabitation.

5. There has been no collusion in relation to this petition.

(Where the petition is under clause 8(2)(b) of the Divorce Act (Canada), add:)

There has been no condonation of or connivance at the grounds for divorce set out in this petition.

(Where there has been condonation or connivance, give particulars and set out the facts relied on to justify a decree of divorce in the circumstances.)

6. Particulars of relationship:

(a) Date and place of marriage:

_____ in _____
(day) (month) (year) (town/city) (province/country)

(b) If parties cohabited before marriage to each other, date cohabitation commenced:

(day) (month) (year)

(c) Date cohabitation ceased:

(day) (month) (year)

(d) Surname of each party immediately before marriage:

Petitioner: [] unchanged; or
[] _____

Respondent: [] unchanged; or
[] _____

(e) Full name at birth:

Petitioner Respondent

(f) Marital status of spouses at time of marriage:

Petitioner:	[] never married	Respondent:	[] never married
	[] divorced		[] divorced
	[] widowed		[] widowed

(g) The petitioner was born at _____
on _____.
(day) (month) (year)

(h) The respondent was born at _____
on _____.
(day) (month) (year)

7. (a) The petitioner's full address *(including postal code)*: _____
- (b) The respondent's full address *(including postal code)*: _____
- (c) One of the parties has been ordinarily resident in the Province of Manitoba for at least one year preceding the date of the filing of this petition.

8. Children

- (a) The names and dates of birth of all children of the parties or either of them, and of any child for whom either stand in the place of a parent:
- (b) The petitioner proposes the following parenting arrangements:
- (Set out the kind of order requested [joint custody, primary care and control, periods of care and control, sole custody, access] for each child in respect of whom the petitioner claims an order of custody or access.)*
- (c) The petitioner claims child support for:
- (d) The petitioner proposes the following child support arrangements:

9. The dates of all written or oral agreements between the parties are:

10. The particulars of all court proceedings affecting the parties are:

11. Financial Information

(Attached is the petitioner's financial statement (Form 70D).)

(Note: The petitioner does not need to attach a financial statement or an affidavit containing the documents required by section 21 of the Federal Child Support Guidelines if the petitioner is not claiming any child or spousal support or division of property.)

(Where the petition contains a claim for child support and either the petitioner or the respondent lives outside Manitoba, add:)

Attached is the petitioner's affidavit containing the documents required under section 21 of the *Federal Child Support Guidelines*.

12. (a) The legal description of real property in respect of which partition or sale is sought:
- (b) The municipal address of the above described property is:
- (c) The property is registered in the name(s) of:
- (d) The market value of the property is:
- (e) Particulars of registered encumbrances are:

13. Declaration of Petitioner

I have read and understand this petition. Those statements contained in this petition of which I have personal knowledge are true, and those of which I do not have personal knowledge, I believe to be true.

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

(signature of petitioner)

Statement of Lawyer:

I, _____, the lawyer for _____, the petitioner, certify to this court that I have complied with the requirements of section 9 of the *Divorce Act* (Canada).

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

(Signature of lawyer)

(Name of lawyer)

(Firm name)

(Address)

(Phone)

(Fax)

(E-mail address)