

FORM 70A

File No. FD _____

PETITION FOR DIVORCE
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*, serve it on the petitioner's lawyer or, where the petitioner does not have a lawyer, serve it on the petitioner, and file it in this court office:

- 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 and 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 serving and filing your answer. If you serve and file 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 serve and file the affidavit within the time set out above for serving and filing your answer. If you serve and file an answer, your affidavit must accompany your answer.

If you fail to serve and file your completed financial information on time, you may incur serious penalties.

NOTE: Where either the petition or your answer contain a claim for child support, and

- there are no other support or property issues;
- you are the person who will be paid the support claimed;
- you are asking only for a table amount of support under the child support guidelines;
- all the children for whom you want support are under the age of majority; and
- the petitioner has not raised any issues requiring the production of your income information under the child support guidelines;

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 SERVE AND FILE 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

(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/
communication |
| <input type="checkbox"/> access | <input type="checkbox"/> prohibition against attendance |
| <input type="checkbox"/> other (<i>specify</i>): _____ | <input type="checkbox"/> driving suspension/disqualification
(section 15(1) of <i>The Domestic
Violence and Stalking Act</i>) |
| <input type="checkbox"/> Declaration of parentage | <input type="checkbox"/> other (<i>specify</i>): _____ |
| <input type="checkbox"/> Child support | <input type="checkbox"/> Financial disclosure |
| <input type="checkbox"/> table amount | <input type="checkbox"/> Costs |
| <input type="checkbox"/> special or extraordinary expenses | <input type="checkbox"/> Other (<i>specify</i>): _____ |
| <input type="checkbox"/> special or extraordinary expenses | |
| <input type="checkbox"/> other amount | |
| <input type="checkbox"/> Spousal support | |
| <input type="checkbox"/> Division of family property | |
| <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: *(Where Form 70B is used and parties are not married to each other, replace with "Date cohabitation commenced":)*

(day) (month) (year)

(b) Date cohabitation ceased:

(day) (month) (year)

(c) Surname of each party immediately before marriage

Petitioner: [] unchanged; or

[] _____

Respondent: [] unchanged; or

[] _____

(d) Maiden name of wife: _____

(e) Marital status of spouses at time of marriage

Petitioner

Respondent

(f) The petitioner was born at _____

on _____
(day) (month) (year)

(g) 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, or*
- the only support or property issue is a claim by the petitioner to be paid a table amount of child support under the child support guidelines and all the children for whom the petitioner claims support are under the age of majority.)*

(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)