

PART C

Preparing Court Documents

In this section, the rules for preparing documents for the Court of Queen's Bench are summarized. Examples of each of the documents in this guide are provided. Each example shows you the document in blank form, with instructions for how to complete it. You will have to create each documents you need for yourself, filling in the information and details that apply to you.

Before you prepare any documents, review the Rules for Preparing Court Documents found on this page.

For complete information about how to prepare documents for the Court of Queen's Bench, read the *Court of Queen's Bench Rules*. The *Court of Queen's Bench Rules* also contain the blank forms for each of the documents included in this Guide. You can buy these rules through Manitoba's Statutory Publications:

Statutory Publications
200 Vaughan Street
Winnipeg, MB R3C 1T5
945-3101
Fax: 945-7172
Toll-free: 1-800-321-1203

You can also find the rules in your local Court library, at the University of Manitoba Law Library, and on the Internet at: www.gov.mb.ca/chc/statpub/free/index.html

The following examples are included in this Guide:

1. Cover page, Queen's Bench Form 4C
2. Affidavit, Queen's Bench Form 4D
3. Requisition, Queen's Bench Form 4E
4. Notice of Intention to Act in Person, Queen's Bench Form 15C

5. Acknowledgement of Receipt Form, Queen's Bench Form 16A
6. Affidavit of Service, Queen's Bench Form 16B
7. Financial Statement, Queen's Bench Form 70D
8. Notice of Motion to Vary, Queen's Bench Form 70H
9. Variation Order, Queen's Bench Form 70N
10. Affidavit of Execution (by Petitioner and by Respondent)
11. Interim Order, Queen's Bench Form 70N
12. Notice of Motion, Queen's Bench Form 70Q
13. Motion Brief, Queen's Bench Form 70R
14. Case Management Information Statement, Queen's Bench Form 70S
15. Request for Adjournment, Queen's Bench Form 70T
16. Enforcement Information, Queen's Bench Form 70W
17. Enforcement Opt-Out, Queen's Bench Form 70X
18. Notice of Change of Name, Queen's Bench Form 70AA

Rules for Preparing Documents in Court of Queen's Bench

The *Court of Queen's Bench Rules* set out the rules for what your Court documents must look like. The examples of documents in this Part follow these rules.

When you create your Court documents, make sure to:

- prepare all Court documents on clean, white 8 1/2" x 11" paper

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- use only one side of the paper
- type, use a computer, or write clearly and neatly
- leave a left margin of 40 mm/ 4 cm (1.7 inches)
- use double-spacing or write only on every second line
- use page numbers at the bottom of each page
- do not have a page with only a signature on it
- show any dates, sums and numbers in numeric form (e.g. January 13, not January thirteen; or 12 days, not twelve days)

1. Cover Page – Form 4C

Use File Number from most recent Court documents.

File No. FD _____

Fill in city or town of Court, from most recent Court documents or new centre, if file has been transferred.

THE QUEEN'S BENCH (FAMILY DIVISION)

_____ CENTRE

BETWEEN

(full name),

Full name of Petitioner, as on most recent Court documents.

petitioner,

-and-

(full name),

Full name of Respondent, as on most recent Court documents.

respondent.

Fill in Court date if document is a Notice of Motion, Notice of Motion to Vary, Notice of Application or Notice of Appeal. Otherwise, leave blank or delete.

(NAME OF DOCUMENT)

Fill in Name of Document. If an Affidavit, name is Affidavit of (name of person).

Hearing Date: _____

Sworn the ___ day of _____, 20__

If document is an Affidavit, fill in date sworn or affirmed. Otherwise, leave blank or delete.

Name of Party Representing Self

Mailing Address

City, Province

Telephone #

Fax #

Contact information of the person who files the document, or his/her lawyer.

2. Affidavit – Form 4D

Use File Number from most recent Court documents.

File No. FD _____

Fill in city or town of Court centre, from most recent Court documents, or new centre, if file has been transferred.

THE QUEEN'S BENCH (FAMILY DIVISION)

_____ CENTRE

BETWEEN:

Full name of Petitioner, as on most recent Court documents.

(full name),

petitioner,

– and –

Full name of Respondent, as on most recent Court documents.

(full name),

respondent.

Name of Document includes full name of **deponent** – person who is making the Affidavit. Attach a Cover Page in Queen's Bench Form 4C.

AFFIDAVIT OF _____

Full name of **deponent** – person who is making the Affidavit.

City/Town/Postal District.

I, _____, of the _____ of _____, in the Province of _____,

Name of city/town/postal district.

MAKE OATH AND SAY THAT:

A series of numbered paragraphs that set out the facts that support the Motion. Keep each paragraph brief, and limited to just one fact or idea. Attach documents as Exhibits.

1. _____
2. _____
3. Attached to this Affidavit and marked as Exhibit ____ is a copy of _____.

SWORN/AFFIRMED before me)
 in the _____ of)
 _____, in the)
 Province of _____,)
 on _____, 20___.)
 _____)
 Commissioner for Oaths)

Strike out words as necessary. Fill in name of place where document is sworn or affirmed, name of province and date that document is sworn or affirmed.

(Signature of deponent)

Deponent signs here, in front of a witness.

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3. Requisition – Form 4E

Use File Number from most recent Court documents.

File No. FD _____

Fill in city or town of Court, from most recent Court documents.

THE QUEEN'S BENCH (FAMILY DIVISION)

_____ CENTRE

BETWEEN:

(full name),

– and –

(full name),

Full name of Petitioner, as on most recent Court documents.

petitioner,

Full name of Respondent, as on most recent Court documents.

respondent.

Name of document.
Attach a Cover Page in Queen's Bench Form 4C before filing in Court.

REQUISITION

TO THE REGISTRAR

_____ CENTRE

Fill in name of current Court centre, as on top of Page.

Fill in name of Court Centre that file is to be transferred to.

I REQUIRE transfer of the action herein to _____ judicial centre under rule 14.08.

Petitioner or lawyer signs here.

Fill in date Requisition is filed.

Name of Petitioner or Lawyer
Address
Telephone Number

Respondent or lawyer signs here.

Name of Respondent or Lawyer
Address
Telephone Number

4. Notice of Intention to Act in Person – Form 15C

Use File Number from most recent Court documents.

File No. FD _____

Fill in city or town of Court, from most recent Court documents.

THE QUEEN'S BENCH (FAMILY DIVISION)

_____ CENTRE

BETWEEN:

(full name),

– and –

(full name),

Full name of Petitioner, as on most recent Court documents.

petitioner,

Full name of Respondent, as on most recent Court documents.

respondent.

Name of document.
Attach a Cover Page in Queen's Bench Form 4C before filing in Court.

NOTICE OF INTENTION TO ACT IN PERSON

Fill in Petitioner or Respondent.

The _____, formerly represented by _____ as lawyer of record, intends to act in person.

Fill in full name of your lawyer of record.

Date you sign.

(Date)

Sign your name. Fill in your full name, address and telephone number.

(Name, address for service and telephone number of party to act in person)

TO: (name and address of former lawyer of record)

Fill in name and address of your former lawyer and of other parent's lawyer, or other parent.

AND TO: (name and addresses of lawyers for all other parties, or names and addresses of all other parties)

5. Acknowledgement of Receipt Form – Form 16A

Use File Number from most recent Court documents.

File No. FD _____

Fill in city or town of Court from most recent Court documents, or new centre if File has been transferred.

THE QUEEN'S BENCH (FAMILY DIVISION)
_____ CENTRE

BETWEEN:

Full name of Petitioner, as on most recent Court documents.

(full name),

petitioner,

– and –

Full name of Respondent, as on most recent Court documents.

(full name),

respondent.

This form is enclosed when serving documents by mail according to *Court of Queen's Bench Rule 16*. Attach a Cover Page in Queen's Bench Form 4C before filing in Court.

Fill in name of person served.

ACKNOWLEDGEMENT OF RECEIPT FORM

TO: (full name)

You are served by mail with the documents enclosed with this form in accordance with the *Court of Queen's Bench Rules*.

You are requested to sign the acknowledgement below and mail this form immediately after you receive it. If you fail to do so, the documents may be served on you in another manner and you may have to pay the costs of service.

ACKNOWLEDGMENT OF RECEIPT

I ACKNOWLEDGE that I have received a copy of the following documents:

(To be completed in advance by the sender of the documents. Include sufficient particulars to identify each document).

List names of each document included, in a way that clearly describes each document.

(Signature of person served)

(The reverse side of this form must bear the name and address of the sender and the required postage).

Attach a self-addressed, stamped envelope.

6. Affidavit of Service – Form 16B

Use File Number from most recent Court documents.

File No. FD _____

Fill in city or town of Court, from most recent Court documents or new centre if File has been transferred.

THE QUEEN'S BENCH (FAMILY DIVISION)

_____ CENTRE

BETWEEN:

(full name),

– and –

(full name),

Full name of Petitioner, as on most recent Court documents.

petitioner

Full name of Respondent, as on most recent Court documents.

respondent.

Name of Document.
Attach a Cover Page in Queen's Bench Form 4C.

Full name of **deponent** – person who is making the Affidavit.

AFFIDAVIT OF SERVICE

City/Town/Postal District.

I, _____, of the _____ of _____,
in the Province of _____,

Name of City/Town/Postal District.

MAKE OATH AND SAY THAT:

Use wording provided based on the way that documents were served. Delete all other wording. Fill in blanks as indicated. Attach documents as Exhibits.

(Personal Service)

1. On (date), at (time), I served (identify person served) with the (identify documents served) by leaving a copy with him (or her) at (address where service was made). (Where the rules provide for personal service on a corporation, etc. by leaving a copy of the document with another person, substitute: by leaving a copy with (identify person by name and title) at (address where service was made)).
2. I was able to identify the person by means of (state the means by which the person's identity was ascertained.)

(Service by leaving a copy with an adult person in the same household as an alternative to personal service)

1. I served (identify person served) with the (identify documents served) by leaving a copy on (date), at (time), with a person (insert name if known) who appeared to be an adult member of the same household in which (identify person served) is residing, at (address where service was made), and by sending a copy by regular lettermail (or registered or certified mail) on (date) to (identify person served) at the same address.
2. I ascertained that the person was an adult member of the household by means of (state how it was ascertained that the person was an adult member of the household).
3. Before serving the documents in this way, I made an unsuccessful attempt to serve (identify person) personally at the same address on (date). (If more than one attempt has been made, add: and again on (date).)

(Service by registered mail as an alternate to personal service)

1. On (date), I sent to (identify person served) by registered mail with Canada Post Corporation item # _____ attached to the envelope, a copy of the (identify documents served).
2. Attached is the confirmation of delivery receipt obtained from Canada Post Corporation for item # _____ showing the envelope was delivered to (identify person served) on (date of receipt).
3. The item # on the confirmation of delivery receipt is identical to the item number on the registered mail receipt obtained from Canada Post Corporation for the envelope sent to (address where mail was delivered).

(Service by certified mail as an alternative to personal service)

1. On (date), I sent to (identify person served) by certified mail a copy of the (identify documents served).
2. I received the attached receipt card from Canada Post Corporation which indicates the documents were received on (date) and which bears a signature that purports to be the signature of (identify person).

(Service by regular lettermail as an alternative to personal service)

1. On (date), I sent to the (identify person served) by regular lettermail a copy of the (identify documents served) together with an acknowledgement of receipt form.
2. On (date), I received the attached acknowledgement of receipt form bearing a signature that purports to be the signature of (identify person).

(Service by regular lettermail on a lawyer)

1. I served (identify person served) with the (identify documents served) by sending a copy by regular lettermail (or registered or certified) mail on (date) to (name of lawyer), the lawyer for the (identify party), at (full mailing address).

(Service by fax on a lawyer)

1. I served (identify person served) with the (identify documents served) by sending a copy by fax to (fax number) on (date) to (name of lawyer), the lawyer for the (identify the party or person).

(Service by courier on a lawyer)

1. I served (identify person served) with the (identify documents served) by sending a copy by (name of courier), a courier, to (name of lawyer), the lawyer for the (identify the party or person), at (full address of place for delivery).
2. The copy was given to the courier on (date).

(Service by regular lettermail on a party acting in person or a non-party)

1. I served (identify party or person served) with the (identify documents served) by sending a copy by (registered or certified) mail or regular lettermail on (date) to (full mailing address), the last address for service provided by (identify party or person) (or, where no such address has been provided, the last known address of (identify party or person).)

SWORN/AFFIRMED before me)
 in the _____ of)
 _____, in the)
 Province of _____,)
 on _____, 20___.)
 _____)
 Commissioner for Oaths)
 (or as may be))

Deponent signs here, in front of a witness.

(Name of deponent)

Strike out words as necessary.
 Fill in name of place where document is sworn or affirmed, name of province and date that document is sworn or affirmed.

7. Financial Statement – Form 70D

Use File Number from most recent Court documents.

File No. FD _____

Fill in City or Town of Court, from most recent Court documents, or new Centre, if File has been transferred.

THE QUEEN'S BENCH (FAMILY DIVISION)

_____ CENTRE

BETWEEN:

(full name),

Full name of Petitioner, as on most recent Court documents.

petitioner,

– and –

(full name),

Full name of Respondent, as on most recent Court documents.

respondent.

Name of Document.
Attach as Exhibit to an Affidavit, or attach a Cover Page in Queen's Bench Form 4C.

Petitioner or Respondent.

FINANCIAL STATEMENT OF _____

Full name of deponent – person who is making the Affidavit.

I, _____, of the _____
of _____, in the province of _____,

Fill in City or Town.

SWEAR (or AFFIRM) THAT:

Name of City or Town.

Name of province.

1. Attached are the following:
 - Part 1 — Annual Income
 - Part 2 — Monthly Expenses
 - Part 3 — Assets of Both Parties
 - Part 4 — Debts of Both Parties

Check off which Parts are attached. Check the *Court of Queen's Bench Rules* 70.05, 70.07 (4) to (8), 70.37(6), (8) and (10) to decide which information you need to include.

2. To the best of my knowledge, information and belief, the information set out in this financial statement is true and complete.

SWORN (or affirmed) before me at the _____)
_____ of _____,)
in the Province of Manitoba,)
this _____ day of _____, _____.)

Deponent signs here, in front of a witness.

Strike out words as necessary. Fill in name of place where document is sworn or affirmed, name of province and date that document is sworn or affirmed.

A Commissioner for Oaths in and for the
Province of Manitoba
My Commission expires: _____

PART 1 – ANNUAL INCOME

Check boxes that apply to you. Fill in details as shown in *italics*.

1. I am

employed as (*describe occupation*)

by (*name and address of employer*)

_____.

self-employed, carrying on business under the name of
(*name and address of business*)

_____.

unemployed since

_____.

2. (a) Attached are copies of my Canada Customs and Revenue Agency income and deduction computer printouts for each of the three most recent taxation years

_____, _____, _____.

Fill in years of printouts attached.

(b) I cannot obtain the printouts for the years

_____, _____, _____

Fill in years of printouts that aren't attached and reasons why not.

because (*give reasons*)

_____.

Fill in amounts of additions to income as listed.

ADJUSTMENTS TO INCOME

Additions:

Actual amount of dividends received from Canadian corporations		_____
Actual capital gains realized in excess of actual capital losses		_____
Salaries, benefits or other payments paid to non-arm's length persons, and deducted from self-employment income, unless necessary to earn self-employment income		_____
Allowable capital cost allowance for real property		_____
Employee stock options with a Canadian-controlled private corporation exercised. <i>(Do not include if you dispose of the shares in the same year you exercise the option.)</i>		_____
Value of shares at the time the options are exercised	_____	_____
Less: Amount paid for the shares	_____	_____
Amount paid to acquire the options to purchase the shares	_____	_____
	=	_____

(B) TOTAL ADDITIONS:

Add up amounts of additions and fill in Total.

Fill in annual amounts of deductions from your income, as listed.

Deductions:

Union, professional dues and other employment expenses allowed under Schedule III		_____
Child support received and included in total income above		_____
Spousal support received from the other parent and included in total income above		_____
Social assistance received by the parent for other members of the household		_____
Taxable amount of dividends from taxable Canadian corporations		_____
Taxable capital gains		_____
Actual amount of business investment losses		_____
Carrying charges and interest expenses		_____
Self-employment income, net of reserves, included in income for tax purposes in excess of the self-employment income for the 12 months ending on December 31 of the reporting year		_____
Portion of partnership and sole proprietorship income that is required by the partnership to be re-invested		_____

(C) TOTAL DEDUCTIONS:

Add up amounts of deductions and fill in Total.

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Adjust Annual Income for Child Support Guidelines Table Amount to deduct spousal support paid, or add spousal support received.

Annual Income for Child Support Guidelines Table Amount
(Total income (A) plus additions (B) less deductions (C))

Annual Income for Special or Extraordinary Expenses Amount
(Annual Income for Child Support Guidelines Table Amount less spousal support paid to the other parent, or, plus spousal support received from the other parent, as applicable)

Fill in sum of:
A + B - C, from above.

Fill in (b) only if necessary. Fill in details of child support received and details of non-taxable benefits, allowances and amounts.

(b) (Do not complete this section where the only relief claimed is a table amount of child support under the child support guidelines and all children for whom relief is sought are under the age of majority.)

(i) I receive child support for the following persons who are not the subject of this application:

Name	Annual amount	Taxable or not (indicate)
_____	_____	_____

(ii) I receive the following non-taxable benefits, allowances or amounts: (This includes items such as use of a vehicle and room and board. Where the benefit is not an amount, include an estimate of the value of the benefit on an annual basis.)

Benefit	Benefit	Annual amount or value
_____	_____	_____

(Note: It is not necessary to complete Parts 2, 3 or 4 where the only relief claimed is a table amount of child support under the child support guidelines and all children for whom relief is sought are under the age of majority.)

Fill in Parts 2, 3 or 4 only if necessary. Otherwise, this is the end of the Financial Statement (Form 70 D).

PART 2 – MONTHLY EXPENSES

You don't need to complete Part 2 of the Financial Statement if:

- the only child support amount claimed is the table amount from the Child Support Guidelines
- the children for whom support is sought are all under the age of 18 years
- there are no other issues of support or property raised in the Notice of Motion to Vary
- your income information is necessary to decide the amount of the new Child Support Order

4. My monthly expenses are as follows and are for me and the following members of my household: _____

(If the payment of an expense is shared with another person, insert only the amount that you pay. Convert all expenses incurred in a year, whether on a yearly, quarterly, weekly, or other basis, to monthly amounts. Give actual amounts where known or you can obtain the information. If this is impossible, give estimates.)

Compulsory Deductions		SUBTOTAL	\$ _____
Income Tax	\$ _____	Adult Household Members	
Employment insurance	\$ _____	Clothing	\$ _____
Canada Pension Plan	\$ _____	Haircare	\$ _____
Employer pension	\$ _____	Toiletries, cosmetics	\$ _____
Union dues	\$ _____	Education fees, supplies	\$ _____
Insurance	\$ _____	Entertainment and recreation	\$ _____
Other (<i>specify</i>)	\$ _____	Fitness	\$ _____
Household Expenses		Insurance	\$ _____
Groceries and household supplies	\$ _____	Charitable donations	\$ _____
Meals outside the home	\$ _____	Gifts to others	\$ _____
Telephone	\$ _____	Alcohol, tobacco	\$ _____
Cable television	\$ _____	Children	
Laundry and dry cleaning	\$ _____	Child care	\$ _____
Newspapers, publications	\$ _____	Babysitting	\$ _____
Stationery, computer supplies	\$ _____	Clothing	\$ _____
Vacation	\$ _____	Haircare	\$ _____
Pet care	\$ _____	Allowances	\$ _____
Housing (primary residence)		School fees and supplies	\$ _____
Rent or mortgage	\$ _____	Entertainment and recreation	\$ _____
Taxes	\$ _____	Insurance	\$ _____
Home Insurance	\$ _____	Gifts (toys, books, etc.)	\$ _____
Heat	\$ _____	Camp	\$ _____
Water	\$ _____	Gifts to other children	\$ _____
Hydro	\$ _____	Savings for the future	
House repairs and maintenance	\$ _____	RRSP	\$ _____
Yard maintenance	\$ _____	RESP	\$ _____
Other (<i>specify</i>)	\$ _____	Debt (other than mortgage repayment)	
Health		(calculated as in Part 4)	\$ _____
Medical Insurance	\$ _____	Lease payments (<i>specify</i>)	\$ _____
Drugs (Net of coverage)	\$ _____	Support payments to others	
Dental Care (Net of coverage)	\$ _____	(<i>specify</i>) [*]	\$ _____
Optical Care (Net of coverage)	\$ _____	Reserve for income taxes	\$ _____
Other (<i>specify</i>)	\$ _____	Other (<i>specify</i>)	\$ _____
Transportation		TOTAL	\$ _____
Public transit, taxis, etc.	\$ _____		
Car operation	\$ _____		
Gas and Oil	\$ _____		
Insurance and licence	\$ _____		
Maintenance	\$ _____		
Parking	\$ _____		
SUBTOTAL	\$ _____		

Fill in amounts of monthly expenses for your household. Add up total of first column at the bottom (Sub-total). Fill in sub-total of first column at top of second column. Add up total of both columns at bottom of second column.

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* List only persons whose support is not at issue in this application. Specify the person who is supported, whether the payments are tax deductible to you, and whether they are voluntary or pursuant to a court order or agreement.

5. (Complete only if claiming child support and special or extraordinary expenses.)

If you are claiming special expenses, fill in details of those expenses here.

I have the following special or extraordinary expenses for the named children:

(a) Child care expenses

Name of child _____	Gross annual cost _____	Net annual cost _____
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(specify expense) _____

(b) Health-related expenses that exceed insurance reimbursement by at least \$100 annually

Name of child _____	Gross annual cost _____	Net annual cost _____
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(specify expense) _____

(c) Extraordinary expenses for primary or secondary school education or for any educational programs that meet the child's particular needs

Name of child _____	Gross annual cost _____	Net annual cost _____
---------------------	-------------------------	-----------------------

(specify expense) _____

(d) Post-secondary education

Name of child _____	Gross annual cost _____	Net annual cost _____
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(specify expense) _____

(e) Extraordinary expenses for extracurricular activities

Name of child _____	Gross annual cost _____	Net annual cost _____
---------------------	-------------------------	-----------------------

(specify expense) _____

PART 3 – ASSETS OF BOTH PARTIES

- You don't need to complete Part 3 of the Financial Statement if:
- the only child support amount claimed is the table amount from the Child Support Guidelines
 - the children for whom support is sought are all under the age of 18 years
 - there are no other issues of support or property raised in your Notice of Motion to Vary
 - your income information is necessary to decide the amount of the new Child Support Order

6. Our assets are as follows:

(Include all assets, whether or not shareable under The Marital Property Act, including jointly owned assets. Where there is a claim under The Marital Property Act, identify with an asterisk () those assets alleged to be non-shareable. Do not complete the column headed "Market Value at Date of Separation" if there is no claim under The Marital Property Act.)*

	Asset in Possession of Petitioner (P) or Respondent (R)	Present Market Value	Market Value at Date of Separation
Real estate (municipal address)	_____	\$ _____	\$ _____
Cars, boats, vehicles (year, make, model)	_____	\$ _____	\$ _____
Household goods, furniture and appliances	_____	\$ _____	\$ _____
Tools, sports and hobby equipment	_____	\$ _____	\$ _____
Banks accounts and cash on hand	_____	\$ _____	\$ _____
R.R.S.P.	_____	\$ _____	\$ _____
Bonds, shares, term deposits, investment certificates, mutual funds	_____	\$ _____	\$ _____
Money owed to us	_____	\$ _____	\$ _____
Life Insurance (cash value)	_____	\$ _____	\$ _____
Pension plans	_____	\$ _____	\$ _____
Business assets	_____	\$ _____	\$ _____
Other (<i>specify</i>)	_____	\$ _____	\$ _____
TOTAL		\$ _____	\$ _____

In this column, fill in P or R to show who possesses the asset listed.

Fill in current re-sale value of each asset.

Leave blank if you are divorced or were never married to the other parent.

Add up amounts in each column and fill in totals.

PART 4 – DEBTS AND OTHER LIABILITIES OF BOTH PARTIES

You don't need to complete Part 4 of the Financial Statement if:

- the only child support amount claimed is the table amount from the Child Support Guidelines
- the children for whom support is sought are all under the age of 18 years
- there are no other issues of support or property raised in your Notice of Motion to Vary
- your income information is necessary to decide the amount of the new Child Support Order

7. Our debts and liabilities are as follows:

(List all your debts and liabilities as well as any joint debts and liabilities. Identify joint liabilities with an asterisk (). Do not complete the column headed "Amount Outstanding at Date of Separation" if there is no claim under The Marital Property Act.)*

	Debt of Petitioner (P) or Respondent (R) or Joint (*)	Present Amount Outstanding	Amount Outstanding at Date of Separation	Present Monthly Payments
Mortgage	_____	\$ _____	\$ _____	\$ _____
Loans <i>(specify)</i>	_____	\$ _____	\$ _____	\$ _____
	_____	\$ _____	\$ _____	\$ _____
	_____	\$ _____	\$ _____	\$ _____
Credit cards	_____	\$ _____	\$ _____	\$ _____
	_____	\$ _____	\$ _____	\$ _____
	_____	\$ _____	\$ _____	\$ _____
Other <i>(specify)</i>	_____	\$ _____	\$ _____	\$ _____
	_____	\$ _____	\$ _____	\$ _____
	_____	\$ _____	\$ _____	\$ _____
TOTAL		\$ _____	\$ _____	\$ _____

In this column, fill in P or R or * to show whose debt is listed.

List amount owing for each debt.

Leave blank if you are divorced or were never married to the other parent.

Fill in amounts of monthly debt payments.

Add up amounts in each column and fill in totals.

8. Notice of Motion to Vary – Form 70H

Use File Number from most recent Court documents.

File No. FD _____

Fill in city or town of Court, from most recent Court documents or new centre if file has been transferred.

THE QUEEN'S BENCH (FAMILY DIVISION)

_____ CENTRE

BETWEEN:

(full name),

Full name of Petitioner, as on most recent Court documents.

petitioner,

– and –

(full name),

Full name of Respondent, as on most recent Court documents.

respondent.

Name of Document.
Attach a Cover Page in Queen's Bench Form 4C.

Fill in petitioner or respondent, and full name and address.

NOTICE OF MOTION TO VARY

TO THE PETITIONER/RESPONDENT: *(full name and address including postal code)*

THE _____

Fill in petitioner or respondent (whoever is filing the motion.)

Fill in day of week, date and time of hearing.

WILL MAKE A MOTION before a judge on _____, the ____ day of _____, _____, at _____ or as soon after that time as the motion

can be heard, at _____.

Fill in address of court.

THE MOTION IS FOR AN ORDER VARYING:

Name the kind of order you want to vary, for example, child support or custody.

Fill in name of judge and court that made the Order you want to vary, and also the date of that Order.

The _____

order granted by _____ of _____,
(judge) (court)

of _____ pronounced on the ____ day of _____, _____.
(province)

(List any other orders which the moving party is asking to vary and any other orders asked for, including costs, if you want the other parent to pay all or part of your court costs.)

The details of the variation the moving party is requesting are found on the attached page.

(If this Motion is for an order varying or deleting a support order, add:)

Include this paragraph only if it applies to your motion.

You or a Manitoba lawyer acting for you must serve and file in the court office an affidavit and a financial statement in accordance with Rule 70.37 and Form 70D of the *Queen's Bench Rules* within 20 days of your receiving this Motion.

(If this Motion is for an order varying a child support order under the Divorce Act (Canada), add both of the following paragraphs:)

Include this paragraph only if it applies to your motion.

If either the moving party or you live outside Manitoba, you must also serve and file in the court office an affidavit containing the documents required by section 21 of the *Federal Child Support Guidelines* within 20 days of receiving this motion.

NOTE that if:

- you are the person who is receiving or will be paid child support under the order the moving party is asking to vary; and
- there are no other support or property issues; and
- you are asking only for a table amount of support under the child support guidelines; and
- all the children for whom you want support are under the age of majority; and
- the moving party 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 nor an affidavit containing the documents required by section 21 of the *Federal Child Support Guidelines*.

IF YOU WISH TO PRESENT AFFIDAVIT OR OTHER DOCUMENTARY EVIDENCE TO THE COURT OR TO EXAMINE OR CROSS-EXAMINE WITNESSES ON THE MOTION, you or a Manitoba lawyer acting for you must serve a copy of the evidence on the moving party's lawyer or, where the moving party does not have a lawyer, serve it on the moving party, and file it in the court office where the motion is to be heard as soon as possible, but not later than 2:00 p.m. on a day that is at least seven days before the hearing.

IF YOU FAIL TO APPEAR AT THE HEARING, AN ORDER MAY BE MADE IN YOUR ABSENCE AND WITHOUT FURTHER NOTICE TO YOU.

DETAILS OF THE REQUESTED VARIATION

- 1.
- 2.

Set out in separate, numbered paragraphs the details of your request for a variation. Where your motion requests a variation of child support, say whether the claim is for an amount of support in the applicable table in the child support guidelines, an amount for special or extraordinary expenses, or a different amount.)

FINANCIAL INFORMATION

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



Include this paragraph only if it applies to you.

Note: The moving party does not need to attach a financial statement nor an affidavit containing the documents required by section 21 of the Federal Child Support Guidelines, if:

- a) the moving party is not asking for a variation of a child support, spousal support, or property order; or*
- b) the moving party is asking for a variation of child support, and*
 - child support is the only support or property issue in dispute in the motion, and*
 - the moving party is being paid, or asking to be paid, child support by the responding party, and*
 - the moving party is not, and would not be, paying child support under the order to be varied, and*
 - the moving party is asking only for a table amount of child support under the child support guidelines, and*
 - all the children for whom the moving party wants support are under the age of majority.*

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



Include this paragraph only if your Motion requests a variation of child support under the *Divorce Act (Canada)* and either you or the responding party lives outside Manitoba.

EVIDENCE TO BE USED AT THE HEARING

THE FOLLOWING DOCUMENTARY EVIDENCE will be used
at the hearing of the Motion:

Affidavit of *(name of deponent)*, sworn/affirmed *(date affidavit is sworn)*

Affidavit of *(name of deponent)*, sworn/affirmed *(date affidavit is sworn)*



List each affidavit that is filed to support this Motion like this, including the name of the deponent and the date the affidavit is sworn or affirmed.

(Signature of lawyer)

(Name of lawyer)

(Firm name)

(Address)

(Phone)

(Fax)

(E-mail)

If you don't have a lawyer, sign your name and fill in your name, address, phone, fax and email.

9. Variation Order – Form 70N

File No. FD _____

Fill in city or town of Court where hearing took place or will take place.

THE QUEEN'S BENCH (FAMILY DIVISION)
_____ CENTRE

Fill in day of week and date of hearing. If filed before a hearing, leave blank space.

The Honourable
Justice _____

Fill in last name of judge, if filed after a hearing
If filed before a hearing (as in an Order made by consent), leave blank space.

BETWEEN:

(full name),

– and –

(full name),

Full name of Petitioner, as on most recent Court documents.

petitioner,

Full name of Respondent, as on most recent Court documents.

respondent.

Name of Document. Attach a Cover Page in *Court of Queen's Bench* Form 4C.

VARIATION ORDER

Automated Court Order Clause AA-1
– Date and Place of Hearing.

1.0 This matter having proceeded at [specify Queen's Bench Court Complex and address in full including postal code] (at the request of /blank) {specify at whose request and/or hearing date}

Automated Court Order Clause AC-1
– Request to Vary.

2.0 This matter being a request for variation of the {specify name of old Order} pronounced {specify date} by [specify judge]; {which has been subsequently varied by the {specify name of old Order} pronounced {specify date} by [specify judge]; {and by the {specify name of old Order} pronounced {specify date} by [specify judge];}

Automated Court Order Clause AE-1. Add sub-clauses needed to identify who is present at hearing.

Automated Court Order Clauses AE-1.1, AE-1.2, AE-1.3.

- 3.0 In the presence of: {specify the appropriate AE-1 sub-clause(s)}
- 3.1. [specify Party Name], acting on (his/her) own behalf;
 - 3.2. [specify Party Name] (by teleconference/by video/blank);
 - 3.3. {specify Lawyer}, (by teleconference,/by video,/blank) counsel for [specify Party Name];

Automated Court Order Clause AE-2 – Use only if party does not appear at hearing.

- 4.0 [Specify Party Name] not appearing although served;

Automated Court Order Clause AG-1, Documents/Evidence. Add sub-clauses to list all Affidavits and documents filed for hearing.

- 5.0 The following (documents/evidence/documents and evidence) (having been filed/being relied on) in support of this application: {specify the appropriate AG-1 sub-clause(s)}
- 5.1. the Affidavit of Service on [specify Party Name];
 - 5.2. the Affidavit of [specify Party Name], (sworn/affirmed) {specify date};
 - 5.3. the Affidavit of {specify Name}, (sworn/affirmed) {specify date};

- 6.0 Upon considering the {specify pleadings, material filed, evidence presented and/or submissions made} in this matter;

Automated Court Order Clause AH-1, Consent. Use only if Order is Consent Interim Order or Consent Variation Order.

- 7.0 {Specify the name(s) of person(s) consenting} having consented to the content of {specify paragraph(s) number(s) if only part of the Order is consented to} (of/blank) this Order;

Use 1 of: Orders or Determines or Declares.

- 8.0 THIS COURT (ORDERS/DETERMINES/DECLARES) pursuant to the *Divorce Act* that:

Automated Court Order Clause BA-1 or BA-2, Headings, Name of Statute. Use only the appropriate clause.

or

THIS COURT (ORDERS/DETERMINES/DECLARES) pursuant to *The Family Maintenance Act* that:

This will remain a non-standard clause until addressed by the Automated Court Order Clause Committee and is the only clause exempt from an Explanatory Note.

- 8.1 The Order pronounced [Date] by {specify judge} is varied by: {specify variation details as required}
- 8.2 A copy of (this Order/blank) {and/or specify document(s) and its/their appropriate date(s)} shall be served on [specify Party Name] by (fax/pre-paid ordinary mail/pre-paid confirmed service delivery) addressed to [specify Party Name] {specify additional details and/or address in full}, (immediately/within 10 days of the date of signing/within 20 days of the date of signing/blank) {specify if different instructions by the Court};

Automated Court Order Clause VA-2, Personal Service.

Allow space for date and signature of judge.

 (date)

 (judge)

CONSENTED AS TO FORM (AND CONTENT, *if applicable*)
 (name of law firm, *if applicable*)

Where all or part of the Order is made by agreement, with consent of both Petitioner and Respondent, add space for each party to sign and show consent. If used and signed by party without a lawyer, must sign in presence of a witness. Then, must also include and attach Affidavit of Execution, sworn by witness.

PER: _____
 (Acting on his/her own behalf, *if applicable*, affidavit of execution must be attached)

Lawyer of record for (Petitioner/Applicant) is:
 (Name)
 (Firm Name)
 (Address)
 (Phone)
 (Fax)
 (E-mail)
 (Firm File Number)

Lawyer of record for Respondent is:
 (Name)
 (Firm Name)
 (Address)
 (Phone)
 (Fax)
 (E-mail)
 (Firm File Number)

10.(a) Affidavit of Execution (by Petitioner)

AFFIDAVIT OF EXECUTION

Fill in full name of witness.

Fill in City/Town and name of city/town.

I, _____ of the _____ of _____,
in the Province of Manitoba,

MAKE OATH AND SAY THAT:

Fill in full name of Petitioner.

1. I was personally present and did see _____, the Petitioner,
duly execute the attached Variation Order.

Fill in full name of Petitioner.

2. I know the said _____, and am satisfied that he/she is
the full age of 18 years.

Cross out he or she and initial.

City or Town.

3. The said Variation Order was executed at the _____ of _____,
in the Province of Manitoba, and I am a subscribing
witness thereto.

Name of city or town.

SWORN/AFFIRMED before me)
in the _____ of)
_____, in the)
Province of _____,)
on _____, 20___.)
_____)
Commissioner for Oaths)
(or as may be)

(Name of deponent)

Strike out words as necessary.
Fill in name of place where document is sworn or affirmed, name of province and date that document is sworn or affirmed.

10.(b) Affidavit of Execution (by Respondent)

AFFIDAVIT OF EXECUTION

Fill in full name of witness.

Fill in City/Town and name of city/town.

I, _____ of the _____ of _____, in the Province of Manitoba,

MAKE OATH AND SAY THAT:

Fill in full name of Respondent.

1. I was personally present and did see _____, the Respondent, duly execute the attached Variation Order.

Fill in full name of Respondent.

2. I know the said _____, and am satisfied that he/she is the full age of 18 years.

Cross out he or she and initial.

City or Town.

3. The said Variation Order was executed at the _____ of _____, in the Province of Manitoba, and I am a subscribing witness thereto.

Name of city or town.

SWORN/AFFIRMED before me)
 in the _____ of)
 _____, in the)
 Province of _____,)
 on _____, 20___.)
 _____)
 Commissioner for Oaths)
 (or as may be)

 (Name of deponent)

Strike out words as necessary.
 Fill in name of place where document is sworn or affirmed, name of province and date that document is sworn or affirmed.

11. Interim Order – Form 70N

File No. FD _____

Fill in city or town of Court where hearing took place or will take place.

THE QUEEN'S BENCH (FAMILY DIVISION)
_____ CENTRE

Fill in day of week and date of hearing. If filed before a hearing, leave blank space.

The Honourable
Justice _____

Fill in last name of judge, if filed after a hearing
If filed before a hearing (as in a Consent Variation Order), leave blank space.

BETWEEN:

(full name),

Full name of Petitioner, as on most recent Court documents.

petitioner,

– and –

(full name),

Full name of Respondent, as on most recent Court documents.

respondent.

Name of Document. Attach a Cover Page in *Court of Queen's Bench* Form 4C.

Automated Court Order Clause AA-1
– Date and Place of Hearing.

INTERIM ORDER

1.0 This matter having proceeded at [specify Queen's Bench Court Complex and address in full including postal code] (at the request of /blank) {specify at whose request and/or hearing date}

Automated Court Order Clause AE-1.
Add sub-clauses needed to identify who is present at hearing.

2.0 In the presence of: {specify the appropriate AE-1 sub-clause(s)}

Automated Court Order Clauses AE-1.1, AE-1.2.

2.1 [specify Party Name], acting on (his/her) own behalf;

2.2 [specify Party Name] (by teleconference/by video/blank);

PART C

Preparing Court Documents

Automated Court Order Clause AG-1, Documents/Evidence. Add sub-clauses to list all Affidavits and documents filed for hearing.

3.0 The following (documents/evidence/documents and evidence) (having been filed/being relied on) in support of this application: {specify the appropriate AG-1 sub-clause(s)}

3.1 the Affidavit of [specify Party Name], (sworn/affirmed) {specify date};

3.2 the Affidavit of {specify Name}, (sworn/affirmed) {specify date};

4.0 Upon considering the {specify pleadings, material filed, evidence presented and/or submissions made} in this matter;

5.0 THIS COURT (ORDERS/DETERMINES/DECLARES) pursuant to the *Divorce Act* that:

Use 1 of: Orders or Determines or Declares.

THIS COURT (ORDERS/DETERMINES/DECLARES) pursuant to *The Family Maintenance Act* that:

Automated Court Order Clause CA-1, Notice. Used only if Motion is heard without notice to other party.

5.1 This matter proceed without notice;

5.2 Enforcement of {the ongoing support obligation in the amount of {specify \$ amount} per month (and/blank) the arrears of support in the amount of {specify \$ amount} per month} as set out in the Order pronounced {specify date} by {specify judge} is suspended until {specify event or condition};

5.3 Enforcement of {the ongoing support obligation in the amount of {specify \$ amount} per month (and/blank) the arrears of support in the amount of {specify \$ amount} per month} as set out in the Order pronounced {specify date} by {specify judge} is restricted to an amount no greater than {specify amount} per month until {specify event or condition};

5.4 [Specify Party Name] shall provide to {[specify Party Name], lawyer for [specify Party Name] or third party name} {and file with the Court/blank} in a sworn Affidavit {specify period of time from service of the Order or a date} the following information: {specify the appropriate clauses MB through MJ}

Automated Court Order Clause BA-1 or BA-2, Headings, Name of Statute. Use only the appropriate clause.

Automated Court Order Clauses QE-1 and QE-2, Enforcement of Support and/or Arrears.

Automated Court Order Clause MA-1, Production of Documents.

Clause MB-1, Financial Statement.

Clauses MC-1, MC-2, MC-3, MC-4, Tax Information.

5.4.1 a sworn Financial Statement in Form 70D of the *Court of Queen's Bench Rules*;

5.4.2 Canada Customs and Revenue Agency income and deduction computer printout(s) for the taxation year(s) {specify year(s)};

5.4.3 personal income tax return(s) filed by (him/her) for the taxation year(s) {specify year(s)};

	5.4.4	notice(s) of assessment or re-assessment issued to (him/her) for the taxation year(s) {specify year(s)};
	5.4.5	income tax information slip(s) for the taxation year(s) {specify year(s)};
Clauses MD-1, MD-2 Employee Information.	5.4.6	three recent consecutive pay statements;
	5.4.7	the most recent statement of earnings indicating the total earnings paid in the year to date, including overtime or, where such a statement is not provided by (his/her) employer, a letter from (his/her) employer setting out that information including (his/her) rate of annual salary or remuneration;
Clauses ME-1, ME-2 Self-Employed Information.	5.4.8	the financial statement(s) of (his/her) business or professional practice for the taxation year(s) {specify year(s)};
	5.4.9	a statement showing a breakdown of all salaries, wages, management fees or other payments or benefits paid to, or on behalf of, persons or corporations with whom (he/she) does not deal at arm's length;
Clause MF-1, Partnership Information.	5.4.10	confirmation of (his/her) income and draw from, and capital in {specify name of partnership} for the taxation year(s) {specify year(s)};
Clauses MG-1, MG-2, Control of a Corporation.	5.4.11	the financial statement(s) of the {specify corporation} and its subsidiaries for the taxation year(s) {specify year(s)};
	5.4.12	a statement showing a breakdown of all salaries, wages, management fees or other payments or benefits paid to, or on behalf of, persons or corporations with whom {specify corporation}, and every related corporation, does not deal at arm's length for the taxation year(s) {specify year(s)};
Clause MH-1, Beneficiary Under a Trust.	5.4.13	a copy of the trust settlement agreement of {specify settlor} and copies of the trust's three most recent financial statements;
Clause MI-1, Unemployed Information.	5.4.14	three recent consecutive Employment Insurance statements;
	5.4.15	{specify as required or instructed by the Court};
Clause MJ-1, General.	5.5	{Specify name}, {the employer/the partner} of [specify Party Name], shall provide to {specify Party Name}, lawyer for [specify Party Name] or third party name} the following information:
Clause MK-1, Employer/ Partner to Provide Information.	5.5.1	{specify financial information to be provided};

PART C

Preparing Court Documents

Clause TD-1,
Without Notice
Order – Effective
Date and Service.

5.6 This Order remains in effect until {specify date and time} and shall be adjourned to {the Family Motions List on} {specify date and time}. [Specify Party Name] shall serve a copy of this Order, the originating Petition if not previously served, the Notice of Motion and all Affidavits filed in support of this Order, together with a new Notice of Motion specifying the date of the hearing at which {specify Party Name} may appear and the relief that will be sought at that time;

Automated Court
Order Clause VA-2,
Personal Service.

5.7 A copy of (this Order/blank) {and/or specify document(s) and its/their appropriate date(s)} shall be served on [specify Party Name] by (fax/pre-paid ordinary mail/pre-paid confirmed service delivery) addressed to [specify Party Name] {specify additional details and/or address in full}, (immediately/within 10 days of the date of signing/within 20 days of the date of signing/blank) {specify if different instructions by the Court}

Allow space for date
and signature of
judge.

DATED

(Judge)

CONSENTED AS TO FORM (AND CONTENT, if applicable)
(name of law firm, if applicable)

PER: _____
(Acting on his/her own behalf, (if applicable,
affidavit of execution must be attached)

Where all or part of the Order is made by agreement, with consent of both Petitioner and Respondent, add space for each party to sign and show consent. If used and signed by party without a lawyer, must sign in presence of a witness. Then, must also include and attach Affidavit of Execution, sworn by witness.

Lawyer of record for (Petitioner/Applicant) is:
(Name)
(Firm Name)
(Address)
(Phone)
(Fax)
(E-mail)
(Firm File Number)

Lawyer of record for Respondent is:
(Name)
(Firm Name)
(Address)
(Phone)
(Fax)
(E-mail)
(Firm File Number)

12. Notice of Motion – Form 70Q

Use File Number from most recent Court documents.

File No. FD _____

Fill in city or town of Court, from most recent Court documents or new centre if File has been transferred.

THE QUEEN'S BENCH (FAMILY DIVISION)

_____ CENTRE

BETWEEN:

Full name of Petitioner, as on most recent Court documents.

(full name),

petitioner,

– and –

Full name of Respondent, as on most recent Court documents.

(full name),

respondent.

Name of Document.
If Motion is without notice, add: (WITHOUT NOTICE).
Attach a Cover Page in Queen's Bench Form 4C.

NOTICE OF MOTION

Fill in Petitioner or Respondent.

THE _____ will make a Motion before the presiding judge

Fill in name of Judge or Master if known.

(or master)

on the _____ day of

Fill in time of hearing, including a.m. or p.m.

_____, _____ at _____, or as soon after that time as the

Motion can be heard, at _____.

Fill in address of Court.

THE MOTION IS FOR:

- 1. An order that
- 2. An order that

List the Orders that you are asking for in a series of numbered paragraphs. Each separate request should be listed in a separate paragraph.
Remember that the Court can only make an Order if you ask for it. If you want the other parent to pay all or part of your court costs, ask for Costs here.

THE GROUNDS FOR THE MOTION ARE

- 1.
- 2.

List the legal grounds, or reasons for the Orders asked for.
List Statutes and Rules that you are relying on. Each separate ground should be listed in a separate paragraph.

PART C

Preparing Court Documents

THE FOLLOWING DOCUMENTARY EVIDENCE will be used at the hearing of the Motion:

1. Affidavit of _____, sworn/affirmed _____
2. Affidavit of ...

List each Affidavit that is filed to support this Motion. Include the name of the deponent and the date the Affidavit is sworn or affirmed.

Date: _____

Fill in date document is filed in Court.

(Signature of lawyer)
(Name of Moving Party or Lawyer)
(Firm name)
(Address)
(Telephone Number)
(Fax)
(Email)

List everyone who must be served according to the *Court of Queen's Bench Rules*. Include name and address.

Moving Party is the person (Petitioner or Respondent) who makes this Motion. Fill in name, address, telephone number, fax number and email address.

TO: (Name of Responding Party or Lawyer Address)

13. Motion Brief – Form 70R

Use File Number from most recent Court documents.

File No. FD _____

Fill in city or town of Court, from most recent Court documents or new centre if file has been transferred.

THE QUEEN'S BENCH (FAMILY DIVISION)
_____ CENTRE

BETWEEN:

(full name),

Full name of Petitioner, as on most recent Court documents.

petitioner,

– and –

(full name),

Full name of Respondent, as on most recent Court documents.

respondent.

Name of Document.
Attach a Cover Page in Queen's Bench Form 4C.

MOTION BRIEF

Fill in day of week, and date.

A MOTION BY _____ is set for hearing
on _____, the _____ day of _____, for a period of

Fill in length of hearing scheduled.

Mark boxes for issues to be decided at hearing.

1. The contested issues to be determined are:

- | | |
|--|--|
| <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 (specify): _____ | <input type="checkbox"/> driving suspension/disqualification (section 15(1) of <i>The Domestic Violence and Stalking Prevention, Protection and Compensation Act</i>) |
| <input type="checkbox"/> Declaration of parentage | <input type="checkbox"/> set aside protection order |
| <input type="checkbox"/> Child support | <input type="checkbox"/> other (specify): _____ |
| <input type="checkbox"/> table amount | <input type="checkbox"/> Remission of Arrears |
| <input type="checkbox"/> special or extraordinary expenses | <input type="checkbox"/> Financial disclosure |
| <input type="checkbox"/> other amount | <input type="checkbox"/> Costs |
| <input type="checkbox"/> Spousal support | <input type="checkbox"/> Other (specify): _____ |
| <input type="checkbox"/> Division of marital property | |
| <input type="checkbox"/> equal | |
| <input type="checkbox"/> unequal | |

PART C

Preparing Court Documents

2. The following material is relevant to the issues and should be read in preparation for the hearing:

List documents that were filed to support or oppose the Motion. If referring to transcripts of cross-examinations, list particular questions and answers, including page and number.

3. Concise statement of facts.

If you want to, include a brief and clear statement of the facts of your case here.

4. The position of the _____ on the contested issue(s) is:

Fill in whether you are the Petitioner or Respondent.

- 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.

Check box that applies to you. If you are relying on written reports of other cases, you have to attach a copy of each case and highlight (with a marker) the parts you think are important for the judge to read.

- 6.

I have attached to this brief all required calculations including tax calculations where applicable.

Check box and attach calculations of child support amount, income amount, special expense amounts or undue hardship amounts.

7. 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 a Director of Field Services, Employment and Income Assistance or his or her authorized representative on _____.

Fill in date of service.

If reducing or forgiving arrears is an issue, include this paragraph.

8. The undersigned does not expect to file any additional material with regard to this motion.

(date)

(Signature of lawyer)
(Name of lawyer)
(Firm name)
(Address)
(Phone)
(Fax)
(E-mail)

If you don't have a lawyer, sign your name and fill in your name, address, phone, fax and email.

TO: (other party's lawyer)
OR TO: (other party)

14. Case Management Information Statement – Form 70S

Use File Number from most recent Court documents.

File No. _____

THE QUEEN'S BENCH (FAMILY DIVISION)
WINNIPEG CENTRE

BETWEEN:

Full name of Petitioner, as on most recent Court documents.

(full name),

petitioner,

– and –

Full name of Respondent, as on most recent Court documents.

(full name),

respondent.

Complete this Form as a fill-in-the-blank document, using clear and easy to read printing or typing, or create your own following Queen's Bench Form 70S. Attach a Cover Page in Queen's Bench Form 4C.

CASE MANAGEMENT INFORMATION STATEMENT

(filed by _____)

Fill in Petitioner or Respondent

Petitioner/Applicant

Respondent

Current address: _____

Current address: _____

Phone No.: _____

Phone No.: _____

Lawyer: _____

Lawyer: _____

Address: _____

Address: _____

Phone No.: _____

Phone No.: _____

Fax No.: _____

Fax No.: _____

IF YOU HAVE COME TO AN AGREEMENT ON ALL ISSUES:

- Final Documentation Notice of Discontinuance Other

Fill in Petitioner or Respondent.

will be filed by _____

who has undertaken to do so, on or before _____

Fill in Date.

IF YOU HAVE NOT REACHED AN AGREEMENT ON ALL ISSUES:

1. Have any of the issues raised in the pleadings been settled?

yes no

2. Which issues have been settled and how have they been settled?

3. (a) Which issues raised in the pleadings have not been settled?

3. (b) What is your position on these issues?

Child Support

4. If child support is not resolved identify all children of the parties for whom support is claimed:

Add lines if needed, so all children are listed.

_____	_____
Name	Birth date
→	
_____	_____
Name	Birth date

5. Are any persons other than the parties to this action liable for the support of any of these children?

yes no

If yes, explain: _____

Fill in amounts based on the financial information you have, and following the Child Support Guidelines.

6. Income of Petitioner/Applicant for Child Support Guideline purposes is \$_____.

7. Income of Respondent for Child Support Guideline purposes is \$_____.

8. Are special or extraordinary expenses under s. 7 of the *Child Support Guidelines Regulation* claimed?

yes no

If yes, identify special expense by category and amount: _____

9. Identify any other issues in respect of child support determination.

Financial Disclosure

10. Has all requested financial disclosure been provided?

— by Petitioner/Applicant yes no

— by Respondent yes no

If no, what requested financial disclosure has not been provided? By whom and for what stated reason? _____

Resolution Attempts

11. What if any attempts at resolving the outstanding issues have been undertaken to date?

	Date
<input type="checkbox"/> Negotiations of counsel	_____
<input type="checkbox"/> Meetings of counsel	_____
<input type="checkbox"/> Meetings of counsel and parties	_____
<input type="checkbox"/> Mediation	_____
<input type="checkbox"/> Other	_____

12. What further attempts at resolving the outstanding issues are currently scheduled?

- | | Date |
|--|-------|
| <input type="checkbox"/> Negotiations of counsel | _____ |
| <input type="checkbox"/> Meetings of counsel | _____ |
| <input type="checkbox"/> Meetings of counsel and parties | _____ |
| <input type="checkbox"/> Mediation | _____ |
| <input type="checkbox"/> Other | _____ |

Urgent Issues

13. Do any of the issues that have not been resolved require the Court's attention on an urgent basis?

- yes no

If yes, which issues? _____

Status of Litigation

14. Are the pleadings closed?

- yes no

Pleadings are the documents that start a family Court file, i.e. Petition, Answer, and Reply.

If no, what pleadings are required to be filed and by whom? _____

When will this be done? _____

15. Has document discovery been initiated?

- yes no

Document discovery is a process that can happen before a trial, but is not available on a Motion to Vary.

16. Has document discovery been completed?

- yes no

17. Will oral examinations be required?

- yes no

Oral Examinations includes Cross Examination on an Affidavit, under Court of Queen's Bench Rule 39.02.

If yes, when are they scheduled to proceed? _____

18. Will any expert reports/assessments be sought?

yes no

If yes, when are these reports/assessments expected to be completed? _____

What issues are examined in the reports/assessments? _____

19. Have any interim proceedings been taken?

yes no

If yes, by whom and for what relief? _____

When will these outstanding interim proceedings be completed? _____

20. Are any further interim proceedings contemplated or intended?

yes no

If yes, by whom and for what relief? _____

Other issues

21. What if any, other matters that should be considered at this case conference?

This Case Management Information Statement is filed by _____,

this _____ day of _____, 20____.

Fill in Petitioner or Respondent.

15. Request for Adjournment – Form 70T

Use File Number from most recent Court documents.

File No. FD _____

THE QUEEN'S BENCH (FAMILY DIVISION)
WINNIPEG CENTRE

BETWEEN:

Full name of Petitioner, as on most recent Court documents.

(full name),

petitioner,

– and –

Full name of Respondent, as on most recent Court documents.

(full name),

respondent.

Complete this Form as a fill-in-the-blank document, using clear and easy-to-read printing or typing, or create your own following Queen's Bench Form 70T. Attach a Cover Page in Queen's Bench Form 4C.

REQUEST FOR ADJOURNMENT

By consent the parties agree to adjourn the case conference, which is presently scheduled for _____, until _____.

Fill in new time, day, date.

Fill in scheduled time, day, date.

This request for adjournment is being made at least 14 days before the date of the scheduled case conference.

Fill in reasons why you need to adjourn.

The extenuating circumstances for the Request for Adjournment are (as attached) or (as follows):

Fill in day, month, and year.

Dated this _____ day of _____, _____.

Lawyer for the _____
Name of Lawyer (please print)

Phone Number: _____

FOR COURT USE ONLY:

Request for Adjournment

granted

denied

Dated this _____ day of _____, _____.

J.

16. Enforcement Information – Form 70W

Use File Number from most recent Court documents.

FILE NO. FD _____

ENFORCEMENT INFORMATION

If you wish to have your order enforced by the Maintenance Enforcement Program, please verify or provide the following information:

Fill in name of payor of child support.

PERSON REQUIRED TO MAKE PAYMENTS: _____

Fill in details for payor of child support.

Address: _____ Date of Birth: _____

City, Province: _____ Social Insurance Number: _____

Country: _____ Treaty Status Number: _____

Postal Code: _____ Mother's Maiden Name: _____

Home Phone Number: _____ Work Phone Number: _____

Employment:

Occupation (*Trade, Profession, Union Member, etc.*):

Current Employer: _____

Address: _____

City, Prov., Country: _____ Phone Number: _____

Postal Code: _____

FORM 70D

- Attached
- Filed with the Court and Copy attached
- Copy to be provided after filing with the Court

Check the box that applies.

Previous Employer: _____

Address: _____

City, Prov., Country: _____ Phone Number: _____

Postal Code: _____

More information about payor.

PART C

Preparing Court Documents

Name of person who receives child support.

PERSON ENTITLED TO RECEIVE PAYMENTS: _____

Fill in details of person who receives child support.

Address: _____ Date of Birth: _____

City, Province: _____ Social Insurance Number: _____

Country: _____ Treaty Status Number: _____

Postal Code: _____ Mother's Maiden Name: _____

Home Phone Number: _____ Work Phone Number: _____

CHILD(REN)

Name	Date of Birth	Address

Fill in name, birth date and address for each child that child support is supposed to be paid for.

17. Enforcement Opt-Out – Form 70X

Use File Number from most recent Court documents.

File No. FD _____

Fill in city or town of Court, from most recent Court documents or new centre if file has been transferred.

THE QUEEN'S BENCH (FAMILY DIVISION)

_____ CENTRE

BETWEEN:

Full name of Petitioner, as on most recent Court documents.

(full name),

petitioner,

– and –

Full name of Respondent, as on most recent Court documents.

(full name),

respondent.

Name of Document.
Attach a Cover Page in Queen's Bench Form 4C.

ENFORCEMENT OPT-OUT

I am the person entitled to receive payments of support as ordered on _____ (date)

Fill in date Child Support Order was made by judge.

by _____ (judge)

Fill in name of judge that made the Child Support Order.

I do not choose to have my support order registered with the Maintenance Enforcement Program at this time. I understand that:

- *The Family Maintenance Act* of Manitoba provides for automatic monitoring and enforcement of support orders. If my case were in the program, the maintenance payments due to me would be sent through the court, and the Maintenance Enforcement Program would record and monitor the payments. If insufficient payment were made, the Maintenance Enforcement Program would automatically initiate enforcement actions on my behalf.
- By signing and submitting this form, I will not receive any assistance from the Maintenance Enforcement Program in monitoring and collecting my payments.
- I understand that payments will not be recorded or monitored through the Maintenance Enforcement Program.
- I may register with the Maintenance Enforcement Program in the future.

(date)

Recipient (signature of recipient)

Fill in date and sign your name, in front of a witness. Witness also signs.

Witness (signature of witness)

18. Notice of Change of Name – Form 70AA

Use File Number from most recent Court documents.

File No. FD _____

Fill in city or town of Court, from most recent Court documents or new centre if file has been transferred.

THE QUEEN'S BENCH (FAMILY DIVISION)

_____ CENTRE

BETWEEN:

(full name),

Full name of Petitioner, as on most recent Court documents.

petitioner,

– and –

(full name),

Full name of Respondent, as on most recent Court documents.

respondent.

Name of Document.
Attach a Cover Page in Queen's Bench Form 4C.

NOTICE OF CHANGE OF NAME

1. Change name from : _____
to : _____

Check box that applies to you and explain as necessary.

2. Reason for change:

- marriage to: _____
and taking of that surname
- divorce and return to maiden name as it was prior to marriage
- legal change of name
- other:

If your address has changed since the last court process, fill in current address.

3. Address change: (if applicable) _____

4. Date of notice: _____

Current date and your signature.

I certify that the information contained in this notice is true and correct.

(signature)

FOR COURT USE ONLY

Don't fill in this area.

NAME OF PERSON REQUESTING: _____

FORM OF IDENTIFICATION WITH PHOTO: _____

PROOF DOCUMENT PROVIDED: _____

(Note: No data will be updated without proper photo identification and the requestor must be a party to the action or counsel acting on their behalf.)

ACCEPTED BY DEPUTY REGISTRAR: _____

DATE REGISTRY UPDATED: _____

UPDATED BY: _____

(Note: No fee applied in the Family Division.)