

Doing Your Own Divorce

In New Brunswick

NEW!
13th Edition

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Please Note: This guide does not offer legal advice. The guide is for general information only. It does not contain a complete statement of the law in the area of family law, and laws change from time to time. PLEIS-NB and its contributors are not responsible for errors and misunderstandings. If you have a problem or question, consult a lawyer.

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Is this Guide for YOU?

The purpose of this guide is to assist individuals filing for their own **UNCONTESTED** divorce.

This guide is designed for use when...	This guide is NOT recommended when...
<p>Family Law Matters Settled</p> <p>You and your spouse have already settled issues related to your marriage, such as support, decision-making responsibility for children and division of marital property.</p> <p>For more information about family law issues and options for resolving them, check out the resources on Family Law NB. (www.familylawnb.ca)</p>	<p>You have not settled all of your family law issues such as support, decision-making responsibility for children and property division.</p>
<p>Uncontested</p> <p>You do not expect your spouse to oppose the divorce.</p>	<p>You believe that your spouse will contest the divorce.</p>
<p>Separation is the Reason cited for Marriage Breakdown</p> <p>You have been separated for at least one year and this is the reason for your divorce.</p>	<p>You want to file for divorce based on adultery or cruelty. This is a more complicated process and you should hire a lawyer. (Rather than using either of these grounds, you may decide to use this guide on the basis of the one-year separation.)</p>
<p>Know where your Spouse Lives</p> <p>You know where your spouse is and you can arrange to have a third party serve the documents on your spouse.</p>	<p>You do not know where your spouse lives.</p>
<p>Resident of New Brunswick</p> <p>You or your spouse have lived in New Brunswick for at least one year.</p>	<p>Neither you nor your spouse has been a resident of New Brunswick for at least one year.</p>

If you have complications during the divorce process, you should consult a lawyer.

If you meet the criteria set out in the left-hand column, normally, you should be able to use this guide to do your own divorce. Individuals handling their own divorce without a lawyer may be referred to as a “self-represented litigants”.

It may be a good idea to engage a lawyer to review your documents before you file them with the Court.

Need some basic advice?

You can arrange for up to **2 hours of free legal consultation** with the Family Law Advice Lawyer Service:

In the Moncton region (Albert, Kent and Westmorland counties), call: 506-856-3131

In the Saint John region (Charlotte, Kings and Saint John counties), call: 506-658-6361

Outside these two regions call: 1-855-266-0266

If you have general question you can also contact PLEIS-NB Family Law Line: 1-888-236-2444

Marriage breakdown

Here are some questions people often ask.

What is a ground for divorce?

There is only one ground for divorce recognized under the *Divorce Act* which is “**breakdown of the marriage**”. However, you can show your marriage has broken down if one of three circumstances have developed:

- The spouses have been living **separate and apart** for at least **one year** immediately before you ask the Court for a divorce; or
- One spouse (the one who is the Respondent in the divorce Application/Petition) has committed **adultery**; or
- One spouse (the one who is the Respondent in the divorce Application/Petition) has treated the other spouse (the Applicant/Petitioner) with **physical or mental cruelty** that makes it intolerable for the spouses to stay together

If any of these circumstances apply, you can ask the Court for a divorce. However, this guide is for people who have settled all their family matters and intend to show breakdown of their marriage by living separate and apart for a least one year.



Did You Know?

97% of New Brunswickers used “separation” as proof. That means they lived “separate and apart” for at least one year before the Court decision granting the divorce.

Would using adultery or cruelty as the reason for marriage breakup speed up the divorce process?

Not likely. Some people think they can get a divorce quicker or be awarded more support if there has been cruelty or adultery. However, this is a more complicated process and you would likely have to hire a lawyer and go to Court and present evidence at a trial.

In Canada, we have a “no fault” divorce regime. If you use separation as the reason for the divorce proceedings, you do not have to show who is “at fault” or why one spouse left the marriage. Living separate and apart for at least one year provides the Court with the evidence of marriage breakdown. If the Application/Petition is uncontested, your affidavit of evidence should have all the information the judge needs to grant you a divorce without going to Court.

This guide is for people who have settled all their family matters and intend to show breakdown of their marriage by living separate and apart for a least one year.

If you wish to ask for a divorce for a reason other than living separate and apart, you should not use this guide. Consult a lawyer as you would likely have to go to Court.

How do I prove the separation period?

To prove that your marriage broke down because of a one-year separation, you must give the exact dates involved. You must also explain whether you made any attempts at reconciliation, such as living together or going to a marriage counsellor.

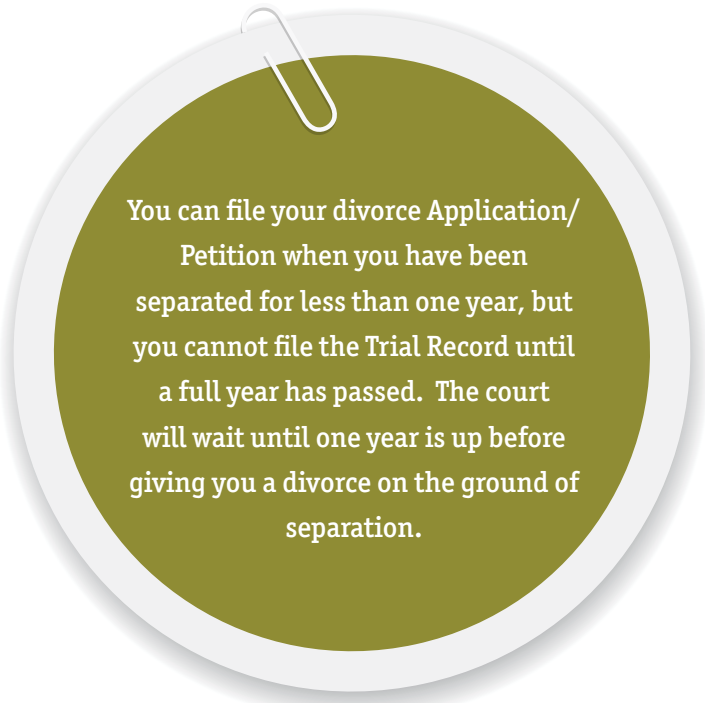
If you have a Court order, **separation agreement**, or other family law Court documents, you can attach them to your Application/Petition. Such legal documents provide evidence of a serious intention to end the relationship.

What if we try to get back together for a while?

After the separation, spouses can get back together again (“cohabit”) on one or more occasions, as long as the periods of reconciliation do not total more than 90 days. However, if you lived apart for a few months and then lived together for more than 90 days, that would interrupt the one-year separation. To qualify under the one-year separation ground, you would have to start counting from the day of the new separation. If you and your spouse are thinking of getting back together, consider going to a marriage counsellor. The Court must postpone the divorce if there is a possibility of reconciliation between the spouses.

Can we live “separate and apart” in the same home?

The term “separate and apart” means that a couple does not live as spouses. Two people can live in the same house and still lead separate lives, and two people can live in different places while still married. In some cases, Courts have determined that couples lived separate and apart even though the couple lived under the same roof. In these cases, the spouses had separate bedrooms and there were no sexual relations. There was little communication between them, they did not perform services for each other, and they did not eat or socialize together.




You can file your divorce Application/Petition when you have been separated for less than one year, but you cannot file the Trial Record until a full year has passed. The court will wait until one year is up before giving you a divorce on the ground of separation.



How much will an uncontested divorce cost?

Using this guide, the basic cost of an uncontested divorce could be between \$260 and \$440. This includes such expenses as:

Expense	Amount
Filing fees (\$110) or Refiling Fees (\$10) This includes the fee for filing your Application/Petition and your clearance certificate (see page18). If your documents require any correction you must pay a refiling fee (\$10).	\$110
Photocopies You may have to pay a fee to make copies of your Application/Petition, the attachments and Trial Record for the Court and for the other party.	varies
Service of documents Arranging service of documents on your ex could cost nothing if you have a friend or family member who agrees to do it; or could cost \$75 or more if you use a process server. The cost could also rise depending where your ex lives and how many attempts the server must make to serve them. It is important that you have proper proof of service – see page 22.	varies
<div><p>If your documents are not properly prepared or submitted to Court at the correct time, the Court will send them back to you. This will cost you time and money.</p></div> <div></div>	
Swearing Documents You may have to pay a fee to a Commissioner of Oaths when you swear certain documents such as your financial statement, affidavit of evidence, and for the affidavit of service.	varies
Certificate of Divorce Once the process is finished, a Court will issue a divorce certificate proving that you are no longer married.	\$7

NOTE: If you are receiving social assistance under the *Family Income Security Act* there is no filing fee for a divorce Application/Petition. However, you will need written proof from your case worker that you are currently receiving assistance.



Getting Started

This guide gives you an overview of the procedures you must follow to do your own uncontested divorce. We have divided the process into seven (7) steps and set them out in a checklist on the opposite page.

The guide thoroughly reviews each step and explains what you must do to complete and file your Application/Petition for divorce along with any necessary attachments. It explains your options for serving the documents on your spouse and obtaining proper proof of service.

You will get detailed instructions on preparing your Trial Record and learn the importance of swearing affidavits before a Commissioner of Oaths – and filing them with the Court in the time allowed under the Rules of Court.

The guide also explains that there are times when you must patiently wait for a period of time before you can proceed. For example, you may have filed your Application/Petition, served it on your spouse and waited the required time for a response; but if you have not received your clearance certificate from the central divorce registry you cannot proceed with filing your Trial Record.

Religious Divorce:

Please note, the Courts do not give a religious divorce. You can only receive a religious divorce through your place of worship or religious organization. For example, to remarry in a synagogue, you need a **Jewish religious divorce**, which is called a **get**. A religious divorce does not legally end a marriage. You need to get a legal divorce to do that. But some religions require a religious divorce if you want to remarry within that religion.








Need some help with the procedure?

- Call the Toll-Free Family Law Information Line at: **1-888-236-2444**
- Check out the videos and FAQs on the [Family Law NB website](#)
- Check out the **Family Law Workshop** schedule to see if there is a “Doing Your Own Divorce Workshop” being offered in your area.






7 Steps to Doing Your Own Divorce

Checklist for Bathurst, Campbellton, Edmundston, Fredericton, Woodstock and Miramichi.

Step 1	Prepare Your Petition for Divorce	Doing a divorce by yourself - use Form 72A . Petitioning the Court together - use Form 72B
Step 2	File the Petition with the Registrar (along with attachments and fees).	Send / take it to: Registrar, Court of King's Bench, P.O. Box 6000 427 Queen Street, Room 202, Fredericton, NB E3B 5H1
If you are receiving assistance under the <i>Family Income Security Act</i> there is no filling fee for a divorce Application /Petition. However, you will need written proof from your case worker that you are currently receiving assistance.		
 Wait for the Registrar to return the original Petition to you with a "Court File" number. This could take 2-3 weeks.		
Step 3	Serve the Divorce Petition and Attachments on Your Spouse - You cannot serve the Petition yourself. You must arrange for another adult or a process server to serve, or use registered mail or courier. You must serve your spouse within 6 months.	Visit www.familylawnb.ca for more information on service. <i>(Skip this step if you are doing a Joint Petition)</i>
 Wait for the Respondent (your spouse) to Reply. The time allowed depends on where your spouse lives.		
Step 4	Prepare the Trial Record - this is a "package" of all the relevant documents you need to file with the Court to show you followed the steps required in a divorce process (e.g. Index, affidavits, proof of service, original Petition, all the attachments).	You will have to decide if you are proceeding by Affidavit Evidence or by Court Hearing . Uncontested divorces usually are heard by affidavit evidence. Subsection 72.18 (9) mentions what information should be put in your affidavit.
 Wait for your "Clearance Certificate". The Central Divorce Registry in Ottawa through the Registrar will forward it to you. This could take 2 -3 months.		
Step 5	File the Trial Record - When you get your Clearance Certificate and have prepared all required documents, you are ready to file. Once you swear your affidavit of evidence before a Commissioner of Oaths, you must file your Trial Record within 5 days. You have 14 days to file if it is a Joint Petition.	Send/take it to: Court Administrator, Court of King's Bench, Family Division in YOUR Judicial District. Do NOT file without your Clearance Certificate.
 Wait for your Divorce Judgment. For an uncontested divorce, this could take 4 – 6 weeks – longer if you have any errors or omissions or you need a Court hearing.		
Step 6	Get Your Divorce Judgment – This is an initial ruling approving your divorce. Your divorce becomes effective on the 31 st day after the date of the judgment (unless one spouse appeals) or the judge orders the divorce to take effect immediately.	The Divorce Judgment is NOT proof of divorce. It serves as a notice of the date that your divorce will take effect.
 Wait for the 30 day appeal period to end.		
Step 7	Ask for Your Certificate of Divorce – this is your proof of divorce. You can apply 31 days after the date of the Divorce Judgment - it is not sent to you automatically.	Apply to the Office of the Registrar in Fredericton to get your Certificate of Divorce or at any SNB Office or order it online . There is a fee of \$7.00

7 Steps to Doing Your Own Divorce

Checklist for jurisdictions using the family case management system (Moncton and Saint John)

Step 1	Prepare your Notice of Application	Use Form 81A (under Rule 81). There is no Joint Application/Petition for Divorce under Rule 81.
Step 2	File the Application with the Registrar (along with attachments and fees)	Send / take it to: Registrar, Court of King's Bench, P.O. Box 6000, 427 Queen Street, Room 202, Fredericton, NB E3B 5H1
If you are receiving assistance under the <i>Family Income Security Act</i> there is no filing fee for a divorce application. However, you will need written proof from your case worker that you are currently receiving assistance.		
	Wait for the Registrar to return the original Application to you with a "Court File" number stamped on it. The Registrar's Office will assign a First Court Appearance to your file. This date is ONLY required if there are issues you and the Respondent do not agree on and you need the Court to decide.	
Step 3	<p>Serve the Application for divorce on the Respondent</p> <ul style="list-style-type: none"> - select which procedure you will use • Need Court time to settle family law issues along with your divorce? You must SERVE a copy of the Application and Notice of First Court Appearance on the Respondent at least 27 days before the First Court Appearance date. <p>OR</p> <ul style="list-style-type: none"> • Uncontested? If you have settled all your family matters, then you can proceed with your divorce by "Affidavit Evidence". Serve a copy of the Application on the Respondent. 	<p>The scheduled First Court Appearance event will take place at: Family Court – Justice Complex, 10 Peel Plaza, 4th Floor, Saint John Tel: (506) 658-2400 OR Family Court - Moncton Law Courts 145 Assumption Blvd., Moncton NB Tel: (506) 856-2304</p> <p>If a First Court Appearance has been scheduled and you are proceeding by Affidavit evidence, before you serve the Respondent, you must advise the Family Court Office in Moncton or in Saint John in writing to have your file removed from the docket.</p>
	Wait for the Respondent (your spouse) to Reply. The time allowed depends on where your spouse lives (see page 22)	
Step 4	Prepare the Trial Record - If you are proceeding with an uncontested divorce, you can prepare your package of relevant documents that show the Court you followed the steps required in a divorce process (eg. Index, affidavits, proof of service, etc.)	Uncontested divorces usually are heard by Affidavit evidence. Subsection 72.18 (9) mentions what information should be put in your affidavit.
	Wait for your "Clearance Certificate". The Registrar will request it from the Central Divorce Registry in Ottawa and once received will forward it to you. This could take 2 -3 months.	
Step 5	File the Trial Record - When you get your Clearance Certificate and have prepared all required documents, you are ready to file. You must swear your Affidavit of evidence before a Commissioner of Oaths within 5 business days of filing it.	Send/take it to: Court Administrator, Court of King's Bench, Family Division in YOUR judicial district Do NOT file without your Clearance Certificate .
	Wait for your Divorce Judgment. For an uncontested divorce, this could take 4 – 6 weeks – longer if you have any errors or omissions or you need a Court hearing.	
Step 6	Get Your Divorce Judgment – This is an initial ruling approving your divorce. Your divorce becomes effective on the 31st day after the date of the judgment (unless one spouse appeals) or the judge orders the divorce to take effect immediately.	The Divorce Judgment is NOT proof of divorce. It serves as a notice of the date that your divorce will take effect.
	Wait for the 30 day appeal period to end.	
Step 7	Ask for Your Certificate of Divorce – this is your proof of divorce. You can apply 31 days after the date of the Divorce Judgment - it is not sent to you automatically.	Apply to the Office of the Registrar in Fredericton to get your Certificate of Divorce OR at any SNB Office or order it online . There is a fee of \$7.00.

TIPS

for Obtaining, Printing and Preparing Your Documents

Even an uncontested divorce requires a lot of paperwork and attention to detail. It will take time and effort to do your own divorce. Before you start, here is some general information about doing the paperwork correctly.


- The forms necessary for applying to the Court in a family law matter are set out in the “Rules of Court” and the “Forms of Court”. As you prepare your forms, you **CANNOT** alter the Forms of Court so please do not try to cut out sections, remove pages, or change anything about the form. If certain parts of the form do not apply to you, simply cross them out or write “Not Applicable” or “N/A”.
- To apply for an uncontested divorce in New Brunswick, you can access the required forms on the Family Law NB website (www.familylawnb.ca) along with instructions. You may wish to start by clicking on “**Family Law Forms – Divorce**” which takes you to an online version of the table above. Or, you can go directly to “**Quicklinks – Divorce**”.
- The online forms are also annotated – meaning you can hold the mouse over explanatory notes for additional information.
- These forms are all fillable. You can complete the forms online and print them off. When you print the form, the annotation will not show. However, the notes should print as “endnotes” on the last page so that you can refer to them even if you decide to work offline. Tip: The online forms may not be saveable so complete them all at once and print.
- Alternatively, you can simply print off the forms and fill them in by hand. Be sure to print the forms one-sided only to submit to the Court.
- **Don’t have a printer?** You may be able to get some of the forms you need at the nearest Court of King’s Bench, Family Division. As well, if you know the name and number of the form you need, you can go to the nearest Service New Brunswick (SNB) Office and they will print it off for a photocopy fee. Remind them to print it one-sided! The required forms are explained in the table on page 5 and on the [Family Law NB website](http://www.familylawnb.ca).
- If you fill your forms by hand, please **print** legibly – do not use handwriting. Use a blue or black pen. Do not use a pencil. The Court can return your form if it is not readable.
- When filling in a bilingual form, such as the **Petition for Divorce (72A)**, you only fill in the form in either English or French.

1

Prepare Your Application or Petition for Divorce

This section of the guide explains how to prepare your Petition or Application for Divorce. To do this you will have to do the following things:

- 1.1 **Decide the Type of Divorce Form to Use**
- 1.2 **Get the Application or Petition**
- 1.3 **Gather Documents to Attach to the Application or Petition**
- 1.4 **Complete the Application or Petition**



Before you file, consider taking your Application/Petition to a lawyer to have it reviewed.

You must not file your Application/Petition until you have all the documents you need to attach to it.

1.1 Decide the Type of Divorce Form to Use

If you live in the judicial district of **Bathurst, Campbellton, Edmundston, Fredericton, Woodstock and Miramichi:**

☐ **Petition for Divorce (by one spouse) – Form 72A**

With this method, one spouse fills out the **Petition for Divorce – Form 72A**. This spouse becomes the Petitioner. If you use this procedure, you must arrange for service of a copy of the Petition and attachments on your spouse and **wait the appropriate length of time** for your spouse to file an Answer. If your spouse does file and serve an Answer, you must proceed by way of a Court hearing. You should seek legal advice.

If an Answer is not served on you, it means your spouse is not contesting the divorce. It also signals that you can move to the next step, which is preparing your **Trial Record** including your **Affidavit of Evidence**. You will have to swear or affirm the truthfulness of your affidavit in front of a Commissioner of Oaths, not more than 5 days before you file the Trial Record with the Court.

OR

☐ **Joint Petition for Divorce (by both spouses) – Form 72B**

With a Joint Petition, the spouses fill out a **Joint Petition for Divorce – Form 72B**, which they both must sign. You and your spouse are both Petitioners, so you do not have to serve your spouse or wait for an Answer.

This method may be appropriate if you and your spouse have agreed on all issues arising from the divorce, are able to cooperate, you live in close proximity and can easily communicate with one another. **If you are doing a Joint Petition, all your forms and documents must be signed by both of you and include both of your addresses.**

Although you skip service with this method, the process may not be any shorter if you and your spouse live in different provinces, or even different cities. You may have to courier documents back and forth in order to meet filing deadlines. It is not any faster or cheaper to file a Joint Petition for Divorce.

If you live in the the judicial district of **Saint John region** (which includes the Counties of Charlotte, Kings and Saint John) or the **Moncton region** (which includes the Counties of Albert, Westmorland and Kent):

☐ **Notice of Application (by one spouse) – Form 81A**

This method of applying for a divorce is only applicable to individuals living in jurisdictions that have a Family Division Case Management model such as Moncton and Saint John. The Applicant must use Form 81A Notice of Application to start a Divorce Proceeding in these jurisdictions. You cannot do a Joint Petition in these jurisdictions.

AND if you are requesting a parenting order:

☐ **Affidavit in Support of Claim for Parenting Order – Form 81B**

If your Notice of Application contains a claim for parenting time or decision-making responsibility in respect of children, you must also file a Form 81B, an Affidavit in Support of a Parenting Order.

Please note:

You cannot “e-file” forms. You must file the completed forms and fees with the Court in person or by mail.

1.2 Get the Application or Petition Form

The forms you may need are all available at www.familylawnb.ca or on the [GNB Forms of Court website](#). They may also be available at the Court of King's Bench - Family Division for a small fee. You can go to the nearest SNB and ask them to print for you the necessary forms. **See the tips on page 9.**

Or, you can request these forms from:

Registrar Services, Court of King's Bench,
427 Queen Street, Room 202
P.O. Box 6000, Fredericton NB E3B 5H1
Telephone: (506) 453-2452

1.3 Gather Documents to Attach to the Application or Petition

There are a number of documents that you must attach to your Application or Petition when you file it. Read this section carefully to find out what these documents are, who needs to attach which documents and how to get them. (Generally, you have to attach any document you mention in your Application or Petition.)

☐ **Marriage Certificate – Everyone Must Attach This**

You must attach an original marriage certificate. This is the certificate signed on the day you were married or a certified certificate provided by the appropriate administration in the province or state where you were married. **It is best NOT to use a wallet size marriage certificate because some Courts do not accept them.**

Can't find your marriage certificate?

If you were married in New Brunswick, go to the nearest Service New Brunswick Centre or write to the address below to get an application for your marriage certificate. You will need a cheque or money order for \$40 if you apply online or \$45 if you apply in person or by mail made payable to SERVICE NEW BRUNSWICK. You can also apply **online.**

If applying for a marriage certificate by mail, send the [order form](#) and the cheque or money order to:

SERVICE NEW BRUNSWICK
Vital Statistics
P.O. BOX 1998,
Fredericton, NB E3B 5G4
Telephone: (506) 453-2385
Fax: (506) 444-4139

Note: For people married in another Canadian province, or outside Canada, go to **Appendix D on page 111** for information on how to get your marriage certificate.

You must make every effort to get your marriage certificate. Without it, a judge may not be able to grant your divorce.



□ **Separation Agreement and Any Court Orders from Family Court Proceedings**

Attach a copy of your Separation Agreement if you have one, as well as any Court order from a previous family court proceeding. *Note: you do not need to attach criminal orders, only family Court orders.*

□ **Financial Statement and Other Income Information (Form 72J)**

There are a number of situations which require that one or both parties - the Applicant(s)/Petitioner(s) and/or the Respondent - to file financial statements and other income information. (Note: You must swear to the truthfulness of the financial statement before a Commissioner of Oaths). Generally, whenever a divorce Application/Petition involves a claim for child/spousal support, a parenting order or the division of property, you should include a Financial Statement (Form 72J). See [PLEIS-NB's guide to completing form 72J](#).

If the Applicant/Petitioner will be paying support, they must attach the following income information to their financial statement:

- copies of income tax returns for the last three tax years
- copies of all Notice of assessments for your income tax and re-assessments for the last three tax years
- a copy of the most recent statement of employment earnings showing year-to-date income

Both parties must submit Financial Statements when the Application/Petition includes:

- a shared or split parenting arrangement,
- requests for special expenses under the child support guidelines,
- division of marital property without an existing separation agreement or order, and/or
- requests for spousal support.

If your Petition includes a request for these things, when you arrange service of the divorce petition on your spouse, they must file a financial statement with the Court within the allowable time.



Note: If your spouse refuses to file a financial statement, then you cannot prove to the Court that you made an appropriate arrangement for the support of your child(ren). The Court will postpone your divorce. If your spouse refuses to file a financial statement, you may need a lawyer to help you.

Under the *Divorce Act*, judges have an obligation to ensure that you and your spouse have made appropriate arrangements to support the children of the marriage in accordance with the [Child Support Guidelines](#).

Child Support Guidelines:

You can use the federal [child support calculator](#) to look up the amount of basic support payable. For more detail on calculating child support, check out the [Child Support Guidelines: Step by Step](#).

Spousal Support Advisory Guidelines (SSAG):

Spouses are not automatically entitled to receive spousal support. Justice Canada has developed the SSAG to help lawyers, judges and individuals estimate spousal support. They are not mandatory. You can view the SSAG [here](#). You may wish to seek legal advice if you are requesting spousal support.

Play it Safe:

Whether or not you are required to file a Financial Statement and other income information, it is a good idea to do so whenever child support or spousal support is involved. If you have children, it is better to include a Financial Statement even if you and your spouse have agreed on child support.

The information may be useful to the judge. A judge may require it. It may delay the granting of the divorce if not included.

1.4 Complete the Application or Petition for Divorce

There are three samples of divorce Application/Petitions in this guide.

These sample Application/Petitions and affidavits are available in **Appendix B: Sample Documents for the Trial Record on page 49**.

You can also view them online. The forms can be filled and the annotation may help. The samples in the hardcopy guide also have red numbers to show the annotation as end notes.

2

File the Application/Petition for Divorce and Attachments

This section of the guide explains how to pull together all your documents and file your Application/Petition for Divorce. To do this you will have to do the following things:

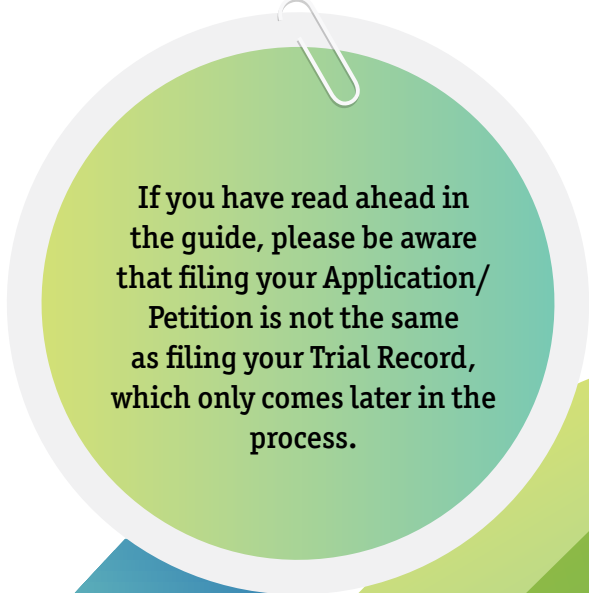
2.1 Prepare a Cover Letter and a Legal Size, Self-Addressed, stamped Envelope

2.2 Photocopy all your Documents

2.3 Get a Certified Cheque or Money Order for all Required Fees

2.4 Put together all Required Documents and Fees

2.5 File your Application or Petition



If you have read ahead in the guide, please be aware that filing your Application/Petition is not the same as filing your Trial Record, which only comes later in the process.

2.1 Prepare a Cover Letter and a Legal Size, Self-Addressed, Stamped Envelope

See **Sample B.1.1 Cover Page for the Trial Record** on page 50 for an example of the cover letter for your Application/Petition of Divorce. You must include a daytime telephone number so the Registrar's Office can reach you if there are any questions. If you have an email address you should include it.

FOR FORM 81A: if you do not need to argue anything in the courts and do not wish for the court to schedule a First Court Appearance, you should say so on the cover letter.

2.2 Photocopy all your Documents

Make one photocopy of your:

- Divorce Application/Petition
- Marriage certificate
- Separation agreement, if you have one
- Financial Statement and income information, if required.

Make sure you have **one original and one photocopy of each document**. Two originals will not be accepted. It is a good idea to make an extra copy of every document for your own records.

Check your copies carefully.

Make sure that every copy contains all the pages that are in the original.

You must have the original marriage certificate. Check that copies are legible. Make sure none of the text is missing on any of the copies. You need two complete identical sets of your Application/Petition and the attachments.

2.3 Get a certified cheque or money order for all required fees

When you file your Application or Petition by mail, you must attach a certified cheque or money order in the amount of \$110.00 payable to: Minister of Finance. Personal cheques are not accepted.

This covers the fee for filing your divorce Application/Petition and the fee for your Clearance Certificate. It may take several weeks before you receive the Clearance Certificate. Please note, the Clearance Certificate is **NOT** your divorce. For more information about the Clearance Certificate, see pages 18 and 25. **If you file your Application/Petition in person, you can pay directly in cash or by credit/debit card.**

2.4 Put Together all the Required Documents and Fees

Gather together your Application or Petition and all the documents.

- All the original documents (original marriage certificate, separation agreement and financial statement and income information.)
- One set of photocopies of all the original documents
- A cover letter and a self-addressed stamped envelope

2.5 File your Application/Petition

You are now ready to file your Application or Petition. Take your package personally to the Registrar's Office, Room 202, Justice Building, 427 Queen Street in Fredericton.

Or mail it to:

Deputy Registrar of the Court of King's Bench
Justice Building, Room 202
P.O. Box 6000, Fredericton NB E3B 5H1
Telephone: (506) 453-2452

If you are receiving social assistance under the *Family Income Security Act*, there is no filing fee for a divorce application. However, you will need written proof from your case worker that you are currently receiving assistance.

Wait for the Registrar's Office to Return the Original Petition and Documents

After filing your Application/Petition, you must wait for the Registrar's Office to send you:

- **Your original divorce Application or Petition for divorce** and attachments, which will now have a Court seal and a Court file number (you must have this to serve your spouse)
- **Clearance Certificate** (which will take about 6 to 8 weeks. You do not need to have this to serve your spouse, but you **MUST** have this to file your Trial Record)

Original Divorce Petition and Attachments

When you file your Petition, the Deputy Registrar will sign, stamp and write a **Court file number** on the original Petition for Divorce. The **Court file number** is very important. That is how the Court identifies cases. All the documents you must later prepare in your divorce proceeding **must** have this file number on them - only the name of the document changes.

After the Registrar's Office returns the original divorce Application/Petition to you, you must make a copy to be served on your spouse.

Before you can move on to the next step of arranging service on your spouse, you must wait for the Registrar's Office to return the original set of documents to you. They will keep the set of photocopies for their file.

You **MUST** serve the documents on your spouse within 6 months of the filing date. If you don't, you may have to start over from the beginning and file new documents, and pay a new filing fee.



Clearance Certificate

When you filed your divorce Application or Petition, it included the fee for a Clearance Certificate from the Central Registry for Divorce Proceedings in Ottawa.

A Clearance Certificate is proof you or your spouse have not previously started divorce proceedings in any other Court in Canada or in NB previously. This is a very important document because you cannot get a divorce without it. **The Clearance Certificate must be in the Trial Record.**

Once you get your **Clearance Certificate** and the Registrar has returned your original **Application/Petition** with a Court file number, be sure to **keep them in a safe place**. If you lose your Clearance Certificate or your Application/Petition you will have to pay for a new certified copy.

If there is no other pending divorce proceedings, the Central Divorce Registry in Ottawa will issue a Clearance Certificate which they will send to the Registrar's Office in New Brunswick. The Registrar's Office will then forward it to you. This could take two or three months.

Once you receive a Clearance Certificate, you can proceed to the next step. This is not your Divorce and still have to take steps to conclude your divorce.

What is a Clearance Certificate?

A Clearance Certificate is proof you or your spouse have not previously initiated divorce proceedings. The Central Registry in Ottawa receives notice of all Petitions for Divorce in the country. It makes sure that no other Petition for Divorce involving the same people has been filed in any other Court or previously in New Brunswick.

The Registry will issue a Clearance Certificate if there are no other pending divorce proceedings. If you receive a Clearance Certificate, you can proceed to the next step. This is not your divorce judgment! It does not mean that you are divorced.

If you do not receive a Clearance Certificate, it means that there is a pending divorce proceeding that you or your spouse already filed. The Central Registry will notify both the Registrar and you will be notified why a Clearance Certificate cannot be issued. If one Petition is discontinued, then the other will receive a Clearance Certificate.

Note: You can serve the other party and begin preparing your Trial Record while you are waiting for the clearance certificate. But you **cannot file the Trial Record without the Clearance Certificate**. If you do, the Court will return the Trial Record to you because it is incomplete.

If you do not receive a Clearance Certificate, it means that there is a pending divorce proceeding that you or your spouse filed in another Court in Canada or previously in NB. You will be notified if a Clearance Certificate cannot be issued. When one Petition is discontinued, then the other will receive a Clearance Certificate. For more information, see the family law fact sheet "[Clearance Certificate and Trial Record](#)".

You may check on the status of your request for a clearance certificate, by writing to:

Family Law Assistance Services
Central Registry of Divorce Proceedings
284 Wellington Street, Ottawa, Ontario K1A 0H8
Telephone: 613-957-4519

The clearance certificate is **NOT** your divorce judgment!
It does not mean that you are divorced.

3

Arrange for Service of the Divorce Application/Petition and Attachments on Your Spouse

This section of the guide explains:

3.1 Arranging for Service of the Divorce Application/Petition and Attachments

3.2 Methods of Service

3.3 Requirements for Proof of Service by Personal Service and Registered Mail or Courier

3.4 Service Outside of New Brunswick

3.5 Affidavit of Service by Personal Service

3.6 Affidavit of Service by Registered Mail or Courier

3.7 Changing Your Mind

3.1 Arranging for Service

Once you receive your original set of documents with attachments back from the Deputy Registrar, you are ready to serve copies on your spouse. Remember, you must have the Application/Petition served **within six months** of the date that the Registrar's Office received the Application/Petition.

If you wait more than six months, you will need to ask the Court for an extension of time to serve the documents or you may have to start over from the beginning. Requesting an extension is explained at the end of this step.

When you are ready for Step 3, the first thing you should do is **make two more copies** of the original documents. One set of copies is to serve on your spouse. The other set is for your records. If you are doing a Joint Petition, you can skip this step. You are both Petitioners and there is no need for service.

What You Should Know About Serving Documents

There are several ways to serve documents. You can choose the one that suits you best. Whichever method you choose, you must have **"Proof of Service"**. The Court requires proof that your spouse has received a copy of the Application/Petition for Divorce and has had a chance to answer. So you must choose a method that allows you to prove you had the documents served on them.

What does it mean to "serve" documents?

When a person delivers the documents to your spouse, and your spouse accepts them, it is called **serving** the documents. You must inform your spouse that you are applying for a divorce. Your spouse must receive copies of the documents. **You cannot personally bring or mail the documents to your spouse. Another adult must serve the documents on your spouse.**

Note:

You CANNOT fax the documents to your spouse. However, if your spouse has a lawyer who will accept service, the documents can be faxed to the lawyer by an adult other than yourself.

3.2 Methods of Service

Choose one of the following methods to serve your documents on your spouse:

A. Personal Service

Personal service is one of the best methods for service. It involves someone (the server) hand-delivering the documents to your spouse. **You cannot do this yourself.** If you use this method, you will have to prepare an **Affidavit of Service Form 18B**, (see **Sample B.2.1 on page 95**) and give it to your server. To personally serve documents you can:

- Hire a **private company** to do this for you. They are professionals and will have experience serving documents and providing proof of service. Search “Process Servers” in Google.
- Hire the **Sheriff’s Office**.
- Ask a **friend or relative** at least **19 years old** to serve the documents. If you ask a friend or relative to do it, that person is the server. You must [prepare your documents for the server as described on the next page](#) and they must sign the Affidavit of Service in front of a Commissioner of Oaths.

B. Service by Registered Mail or Courier

You may also get someone (the server) to serve the documents by using the registered mail service of the Post Office or a courier service. You will need to have an **Affidavit of Service** with this method too. (See **Sample B.2.2 on page 96**).

What is an Affidavit of Service?

The **Affidavit of Service** is a written statement made under oath (signed in front of a Commissioner of Oaths) that details that the server served the Respondent with the attached documents on a specific date and at a specific location.

C. Substituted Service

If you cannot find your spouse, then it is impossible to serve the documents by the methods above.

Under these circumstances, you must ask the Court for an order for substituted service. You have to make a serious effort to try to find your spouse and will have to be able to show the Court what efforts you have made.

To do this, you must make a motion to the Court and explain the efforts you have already made to serve the Respondent or explain why you cannot serve them. If the Court agrees that personal service is not possible, it may make an order for service of the documents in a different way, such as by newspaper ad, via electronic means, on a relative of your spouse or the Court could make an order dispensing with service.

3.3 Requirements for Proof of Service by Personal Service and Registered Mail or Courier

You must keep the original Petition/Application for Divorce, with all the attached documents, that was stamped by the Registrar's Office and returned to you with a file number written on it. Write "A" on the top of the original Petition/Application for Divorce when you receive it back from the Registrar's Office. Do not lose these documents!

The original set of filed documents must be included when you file your Trial Record with the Court. The Trial Record is used by the judge to make sure all the proper steps were taken in order to grant your divorce.

	Personal Service	Registered Mail or Courier
Documents Applicant/Petitioner must prepare to give the server	<ol style="list-style-type: none"> 1) Write "A" on the top of your original Petition/Application for Divorce. Make two complete photocopies of the original Petition/Application for Divorce, with all the attached documents, that was stamped by the Registrar's Office and returned to you with a file number written on it. Give the two photocopied sets of documents to your server. The server will leave one set of documents with your spouse. 2) An Affidavit of Service by Personal Service (Form 18B) that you prepare if your server is a friend or relative. It will have blank spaces that the server will fill out. (See Sample B.2.1, on page 95.) However, you can place the proper names and judicial district, etc, in the gray areas. This affidavit of service will need to be signed and sworn by the server in front of a Commissioner of Oaths after they serve the Respondent. 	<ol style="list-style-type: none"> 1) Write "A" on the top of your original Petition/Application for Divorce. Make two complete photocopies of the original Petition/Application for Divorce, with all the attached documents, that was stamped by the Registrar's Office and returned to you with a file number written on it. Give the two photocopied sets of documents to your server. The server will send one set of documents to your spouse. 2) An Acknowledgement of Receipt Card (Form 18A) for your spouse to mail back to the server as proof of service. See Sample B.2.3 on page 97. 3) An Affidavit of Service by Registered Mail (Form 18B). See Sample B.2.2 on page 96. This affidavit of service will need to be signed and sworn by the server in front of a Commissioner of Oaths. 4) A self-addressed stamped envelope for your spouse to use to mail back the Acknowledgement of Receipt Card to the server (optional).
Applicant/Petitioner's responsibility	<p>Tell the server where to find your spouse.</p> <p>Give the server your spouse's home or work address.</p>	<p>Ask the server to send these documents by registered mail or courier to your spouse.</p> <p>Write "Personal and Confidential" on the envelope so that no one other than your spouse will sign for it.</p>

	Personal Service	Registered Mail or Courier
Server's responsibility when serving	<p>The server must make sure they serve the documents on the correct person. The server must positively identify your spouse. If your server does not know your spouse well enough to be certain, the server should ask your spouse whether they are _____ (name) and ask for a piece of identification, such as a Social Insurance Number or driver's license.</p> <p>Write down the type of identification and its number on the Affidavit of Service (See Sample B.2.1 on page 95 – Personal Service).</p> <p>Leave the copies of the Application/Petition and attachments with your spouse (now the Respondent).</p>	<p>When the server uses the Registered Mail service at Canada Post, they must ask for confirmation that Canada Post received the item for mailing and that the item arrived at its destination.</p> <p>The server can find the name of the person who signed for the package and the date of delivery by calling 1-888-550-6333, though some restrictions may apply. Canada Post can fax the signature to the server or let the server view the signature online.</p>
Server's responsibility after service	<p>Fill in the blanks on the Affidavit of Service. Staple the remaining set of photocopied documents marked "A" to the Affidavit of Service.</p> <p>Take the Affidavit to a Commissioner of Oaths and swear or affirm to it and sign it in front of him or her. The Commissioner of Oaths will sign after watching the server sign it. The Commissioner of Oaths must also sign and date the attached copy of your Application/Petition marked "A".</p> <p>Return the documents and the Affidavit of Service to you. The Affidavit of Service shows that your spouse was served. Do not detach the Affidavit.</p>	<p>When the server receives the Acknowledgement of Receipt Card or the Post Office receipt, they must:</p> <ul style="list-style-type: none"> • Write "B" on the top. • Fill in the blanks on the Affidavit of Service. • Bring the Affidavit of Service and the Acknowledgement of Receipt Card or Post Office receipt to a Commissioner of Oaths and swear/affirm to it and sign it in front of the Commissioner. The Commissioner must also sign and date the Affidavit of Service as well as the attached Petition marked "A" and the attached Acknowledgement of Receipt Card marked "B". • Give the documents and the Affidavit of Service back to you. [Note: the Acknowledgement of Receipt Card or Post Office receipt are not sufficient proof without the Affidavit of Service].

	Personal Service	Registered Mail or Courier
If spouse is not home /won't accept service	<p>If your spouse is not at their place of residence, the server can leave a copy in a sealed envelope, addressed to your spouse, with any adult who appears to be living there.</p> <p>The server must then send another copy of the document, addressed to your spouse at their place of residence, by prepaid mail on the same day or the next day.</p> <p>If your spouse is trying to avoid the server, contact a lawyer.</p>	<p>If your spouse does not send the Acknowledgement of Receipt Card back to you, Canada Post should be able to supply the server with the information needed to show that your spouse did accept service. It is also possible to get a hard copy of the signature from Canada Post, if it becomes necessary, for a fee.</p>
Pros and Cons	<p>You can hire a friend or use a professional Server: You can look up private companies that serve documents by searching "Process Servers" on Google, or check out www.CanadianProcessServing.com.</p>	<p>There is a small fee for registered mail and an extra fee if you need the hard copy of the Respondent's signature. With courier services, you need to use the Acknowledgement of Receipt Card. Some of these services have signature release agreements where the courier can leave the package without getting a signature.</p>

Getting an Extension of Time for Service

You only have **6 MONTHS** after filing the documents to have them served on your spouse (the Respondent). If you have not served the documents within six months of the date that you filed the Application/Petition, you may need to make a motion to the Court to request an extension of time. If you think you will need an extension, be sure to start the process before the six months is up. To do this, you may need a lawyer to bring a motion before the Court. Alternatively, you can discontinue your Application/Petition for Divorce and start over by filing a new Application/Petition. You will have to pay the filing fee again.

3.4 Service Outside of New Brunswick

If your spouse is outside New Brunswick you can have the Application/Petition and other documents served on your spouse outside New Brunswick. Many process servers are experienced serving documents outside New Brunswick. You do not need permission of the Court to serve documents outside the province.

Proof of service can be obtained the same way as in New Brunswick, by an **Affidavit of Service** from the person who served the documents, or by an **Acknowledgement of Receipt Card** that your spouse signed and returned to the server. If your server used registered mail, proof of service would be a copy of the signature from Canada Post.

If your spouse is outside New Brunswick and did not want to accept service, they have the option of making a Motion before the Court to set aside the service. They must do this in the time period allowed to Answer the Application/Petition. If this happens, contact a lawyer.

3.5 Affidavit of Service by Personal Service

To view sample Affidavits of Service, see **Samples B.2.1 and B.2.2**, on pages 95 and 96.

Wait for the Respondent (your spouse) to Reply

After service you can start preparing some of the documents you will need for your Trial Record. However, before you can file your Trial Record you must wait for three things:

- **Clearance Certificate:** You can start to prepare your Trial Record without your Clearance Certificate, but everyone must wait for the Clearance Certificate before filing the Trial Record.
- **The Answer if any:** You must wait the required length of time for your spouse (the respondent) to serve on you and file an Answer to the Application/Petition. If you and your spouse filed a Joint Petition, there was no service as there is no Respondent.

The amount of time you must wait after service depends on whether you served **Form 72A** or **Form 81A** and **where** the documents were served on your spouse – **see the table below**.

Location Where Your Spouse was Served	Length of Time for Spouse to Answer: 72A	Length of time for Spouse to Answer: 81A
New Brunswick	within 20 days after service	within 20 days after service
Rest of Canada or the United States	within 30 days after service	20 days after service anywhere in Canada/ 40 days after service if served in the United States
Anywhere else in the world	within 60 days after service	40 days after service

What happens next?

This depends on whether or not your spouse Answered the Application/Petition.

If your spouse Answers the Application/Petition. Get Legal Advice.	If your spouse does NOT Answer the Application/Petition. Go Ahead.
<p>An Answer is a defence in a divorce proceeding. It means your spouse disagrees with something in the divorce Application/Petition. <i>If your spouse serves you with an Answer, you should see a lawyer.</i></p> <p>You should also contact a lawyer right away if you are served with an Answer and Counter-Petition (Form 72F).</p> <p>In Saint John/Moncton your spouse would answer the Application/Petition using Form 81C. If this happens, you should seek legal advice.</p>	<p>If you served your spouse with Form 72A and your spouse does not file an Answer within the time given, it means that they are not opposing the divorce. You can go to the next step.</p> <p>You can also go to the next step and do your own divorce if your spouse serves a Financial Statement or income information without serving an Answer.</p>

After you wait the appropriate length of time and your spouse has not served you with an Answer, it means that your spouse does not oppose the divorce. You can now file your Trial Record. Remember, even if your spouse does not oppose the divorce, if you asked for child support your spouse must serve you with a **Financial Statement and the Income Information** required under the **Child Support Guidelines**. If you asked for spousal support, your spouse must serve you with a Financial Statement.

3.6. Change your mind or correct an error

Sometimes an Applicant/Petitioner changes their mind after filing the Application/Petition, decides to stop proceedings, or needs to correct a mistake on a document. Here is some information about changing your mind, correcting errors, or stopping proceedings:

- If you want to stop the process after you begin the divorce, contact the Registrar's Office. You must file a **Notice of Discontinuance** (Form 25A) with the Registrar's Office and have a copy served on the Respondent.
- You can discontinue the proceedings at any time before the close of the pleadings. The pleadings close when you serve a Reply on the Respondent (after the Respondent has served you with an Answer) or when the time has expired for you to serve a Reply on the Respondent.
- If the Respondent has filed an Answer, you must have the Respondent's written consent or permission of the Court to discontinue the proceedings.
- If your circumstances change, you discover you made a mistake or left something out, you can change your Application/Petition after you file it. You can do this by "amending" your original Application/Petition. To amend your Application/Petition, you must fill in a new **Application/Petition for Divorce** and give it the same Court file number as the original Application/Petition. Write "**AMENDED**" across the title of the form, and underline all the changes. In Judicial Districts with a case management model, contact the Family Law Information Centre ("FLIC"), as additional steps may be required.
- On your amended Application/Petition, you must complete the **Declaration of the Applicant/Petitioner** on the last page and include a copy of the attachments from the original Application/Petition - even the marriage certificate.
- File the amended Application/Petition at the Registrar's Office. The Deputy Registrar will issue the amended Applicant/Petition and return the original to you. Then, serve a copy of the amended Applicant/Petition on your spouse (See Step 3.) There is no fee to file the amended Applicant/Petition.



Note:

If you want to change your Applicant/Petition after you have been served with an Answer, you need your spouse's consent or the Court's permission. In this case, see a lawyer.

4

Prepare the Trial Record

This section of the guide explains how to prepare all the documents you need to include in your Trial Record when you proceed by Affidavit Evidence.

4.1 Cover Letter

4.2 Cover Page

4.3 Index

4.4 Certificate of Readiness


4.5 Request for Divorce

4.6 Clearance Certificate

4.7 Affidavit of Service

4.8 Original Application/Petition for Divorce

4.9 Affidavit of Evidence



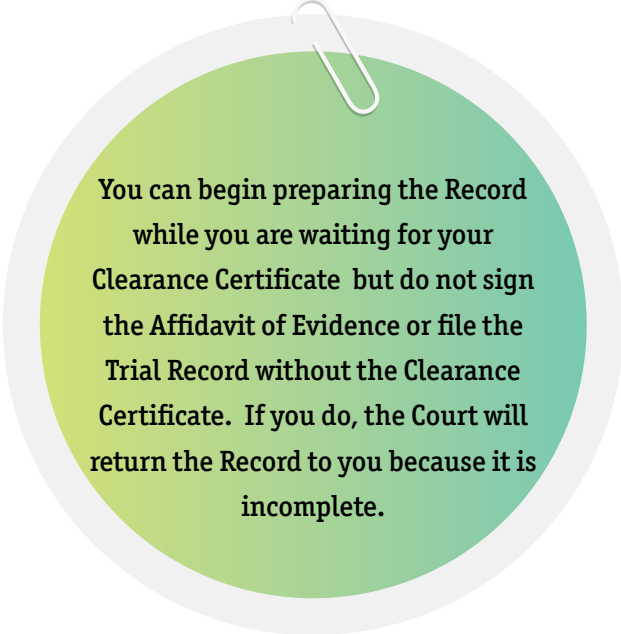
If you have read ahead in the guide, please be aware that filing your Application/Petition is not the same as filing your Trial Record, which only comes later in the process.

Documents you need to include in your Trial Record:

- 4.1 Cover Letter (See Sample B.3.2 on page 99).
- 4.2 Cover Page for the “Trial Record”. (See Sample B.3.3, page 100).
- 4.3 Index for the Trial Record, which is like a table of contents. It lists all the documents in the Trial Record. Number the documents and show the numbers in the index. (See Sample B.3.4, page 101).
- 4.4 Certificate of Readiness (Form 47B). When you prepare this form, make any necessary changes so the certificate is accurate for your situation. (See Sample B.3.5, page 102).
- 4.5 Request for Divorce (Form 72K). You must complete this form if you want to use affidavit evidence instead of a Court hearing. (See Sample B.3.6, page 103).
- 4.6 Clearance Certificate (the certified copy you received from the Registrar’s Office.) The Clearance Certificate must be in the Trial Record. The Central Registry of Divorce Proceedings in Ottawa will send your divorce Clearance Certificate to the Registrar’s Office. The Registrar’s Office will then forward it to you. Your divorce Clearance Certificate becomes part of the Trial Record. Remember, this is not your divorce judgment.
- 4.7 Affidavit of Service (and the Acknowledgement of Receipt Card if service was by mail or courier) (See B.2.1 and B.2.2, pages 95 et 96). Proof of Service means the Affidavit of Service and in some cases, the Acknowledgement of Receipt Card (See Sample B.2.3, page 97). These should be stapled to the front of the copy of the Application/Petition for Divorce.
- 4.8 Original Application/Petition for Divorce and its attached documents fastened to it (marriage certificate, and, if applicable, financial statements and other income information and a separation agreement or family Court orders if you have them.) If you filed an Amended Application/Petition, the Amended Application/Petition, with copies of all attached documents, would go here as well.
- 4.9 Affidavit of Evidence. An affidavit is a signed written statement of facts that you swear or affirm is true. Although the affidavit is not a form, you should put the “style of proceeding” at the top of it. Making an affidavit is like being a witness in Court and answering questions that a judge would ask; only you write down your evidence instead of saying it. An affidavit is not a form. It is a statement that you prepare yourself. It is important to be sure that everything you say in your affidavit is true. Making a false statement in an affidavit is a criminal offence. Finally, don’t forget, you must take your Affidavit of Evidence to a Commissioner of Oaths and swear that it is true (sign it) in front of a Commissioner not more than 5 days before you file the Trial Record. The Commissioner of Oaths must sign and date your affidavit.
Joint Affidavit of Evidence: If you and your spouse decided to file a Joint Petition for Divorce, you must also both submit the required affidavit of evidence. You have the choice of preparing a joint affidavit or two separate affidavits. Remember when you prepare your Trial Record, you **both must swear to or affirm the joint affidavit not more than 14 days before filing your Trial Record or you must each swear to or affirm your individual affidavits again within 14 days of filing your Trial Record.**

Wait for your
clearance certificate –
everyone must wait for this.

If you have not received your **Clearance Certificate** by the time you are ready for this step, be patient as it can take 2 to 3 months from the day that you filed your Application/Petition until delivery.



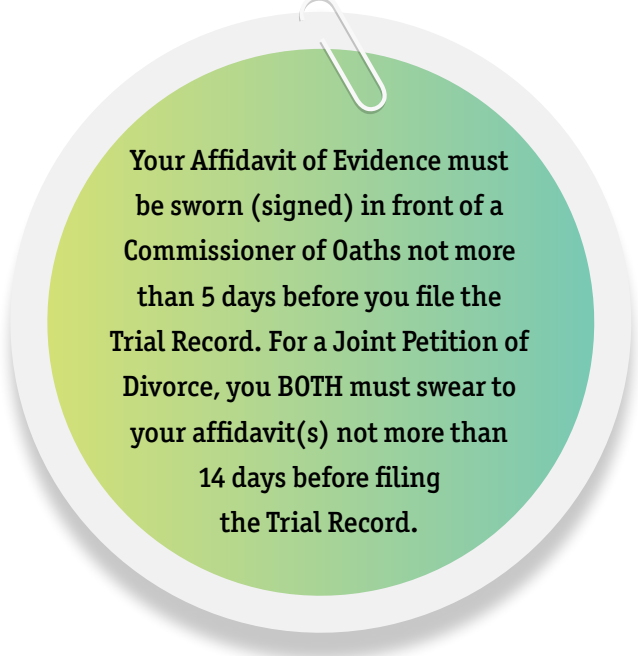
You can begin preparing the Record while you are waiting for your Clearance Certificate but do not sign the Affidavit of Evidence or file the Trial Record without the Clearance Certificate. If you do, the Court will return the Record to you because it is incomplete.

Style of Proceeding

Each case before the Court has a title. That is how the Court identifies cases. When you are creating the necessary documents and forms relating to your divorce proceeding, they must all have the same title. This is called the “style of proceeding” a sample Style of Proceeding is in **on page 51**.

When preparing an affidavit, you should:

- Put your statements in separate paragraphs.
- Cover one and only one statement of fact in each paragraph.
- Number your paragraphs.
- Include only facts.
- Stick to facts about which you have personal knowledge.
- Stick to statements about facts that are not controversial. In this case, explain where you got your information (for example, give the name of the person who told you) and say that you believe the information.
- Include all relevant facts.
- Do not put in accusations, arguments or irrelevant statements.
- Use clear, unemotional language.



Your Affidavit of Evidence must be sworn (signed) in front of a Commissioner of Oaths not more than 5 days before you file the Trial Record. For a Joint Petition of Divorce, you BOTH must swear to your affidavit(s) not more than 14 days before filing the Trial Record.

Information Required in Your Petitioner's "Affidavit of Evidence"

If the Respondent did not serve you with an Answer and you would like to proceed by way of affidavit evidence rather than an oral hearing, you need to prepare a **Petitioner's Affidavit of Evidence**. You have to include certain information in your affidavit (see below). **If you are proceeding by way of court hearing, do not prepare an affidavit.**

If you filed **Form 72A – Divorce Petition by one spouse** or **Form 81A**, you must include **all the following information** in your affidavit. If you filed **Form 72B - Joint Petition for Divorce**, you must include items (a), (c), (d), (e), (f), (g), (i), (k), and (l). Your affidavit must refer explicitly to both spouses. In either case you must complete (n) if you wish the divorce to take effect earlier than the thirty-first day after the judgment, and both spouses must sign an Agreement not to Appeal (Form 72L).

- a. Identify the spouses involved in the divorce proceeding. Also establish that at least one spouse has lived in New Brunswick for at least one year immediately before the Application/Petition was filed.
- b. Give your spouse's last known address and say how you know the address.
- c. Give enough information for the Court to be satisfied that there is no possibility of reconciliation between spouses, or that in the circumstances it would clearly not be appropriate for the Court to satisfy itself of such possibility.
- d. Confirm that all the information in the Application/Petition for Divorce is correct, except what you may have specified to the contrary in the affidavit.
- e. If you could not put a marriage certificate with your Application/Petition for Divorce, either put a certificate of marriage with your affidavit or say what efforts you made to get a certificate and why it is impossible to get one. In this case you must also state the date and place of marriage and enough facts to prove the marriage.
- f. Set out the reason for the breakdown of the marriage that is the ground for divorce. If you are asking for a divorce because of separation, state **"the Respondent and I separated on the ____ day of ____, 20__ and have remained separate and apart since that date.** This has resulted in a permanent breakdown of the marriage. On the date of separation and continuously since then it has been the intention of the Respondent and myself to remain separate and apart." If you tried reconciling since the breakdown of the marriage, but not for a period of more than 90 days, put this information in as well. Also, if it was your intention to remain separate and apart, but it was not your spouse's intention, state that it was "my intention to remain separate and apart."
- g. State that there has been no agreement or conspiracy to which you are, either directly or indirectly, a party for the purpose of subverting the administration of justice, including any agreement, understanding or arrangement to make up or hide evidence or to deceive the Court.

- h. [Adultery and cruelty. **This item should not apply if you are using a one-year separation as the reason for the breakdown of the marriage.**]
- i. Explain the present and proposed parenting time and decision-making responsibility for each child, if they are different from what you put in the Application/Petition for divorce.
- j. If you are claiming spousal support, explain your needs and your spouse's ability to pay, referring to the Financial Statements filed. Describe any support arrangements in place. Set out any change in circumstances since the Financial Statements were filed.
 - j.1. If you claim child support, provide the particulars of any circumstances that you are relying upon to support your claim and refer to your Financial Statement that you filed. Set out any change in circumstances since the Financial Statements were filed.
- k. If you are not claiming a division of marital property, confirm that you do not want to claim a division of property at this time. State that you are aware that no application for a division of property under the *Marital Property Act* can be made more than 60 days after the divorce takes effect except in the circumstances in subsection 3(4) of the *Marital Property Act*.
- l. If you want the judge to include the provisions of a domestic contract, separation agreement, minutes of settlement, previous Court order or any other document in the divorce judgment, so those provisions continue after the divorce, refer to the agreement as an exhibit and write down the section or paragraph numbers and exact words that you want included.
- m. If you claim court costs, set out enough facts to let the court decide whether to award costs.
- n. If you are asking to have the divorce take effect earlier than the thirty-first day after the judgment, set out the special circumstances that justify the earlier date. You need to include an **Agreement Not to Appeal** (Form 72L) – See **Sample C.2, page 109**. It must be signed by both parties.

Note:

Thirty-one days is a reasonably short period, so there must be some exceptional circumstance before then that is special enough for the Court to make an exemption for you. This is rarely granted. To prepare your affidavit, see **Sample B.3.7, page 104** (for a Application/Petition for Divorce by one spouse) or **Sample B.3.8, page 106** (for a Joint Petition for Divorce). You can review these samples and modify your affidavit to fit your particular situation.

Swearing to Documents

If you prepare an affidavit or a financial statement, you must take them to a person who is a **Commissioner of Oaths**. A Commissioner of Oaths is a person with authority to witness a sworn statement. You must sign the documents and swear that the information in them is true, to the best of your knowledge, in front of the Commissioner of Oaths. Then the Commissioner of Oaths will sign and date the documents.

Finding a Commissioner of Oaths

All lawyers are Commissioners of Oaths. A number of other people may also be Commissioners of Oaths.

- Search “**Lawyers**” in Google (in New Brunswick all lawyers are Commissioners of Oaths.)
- Find a person authorized by the provincial government to act as a Commissioner of Oaths. Contact the Consumer Affairs division of the [New Brunswick Financial and Consumer Services Commission](#) at 1 866 933-2222.



Note:

When you have all the necessary documents and have sworn to your affidavit, you are now ready for Step 5 - file your Trial Record.



File the Trial Record

This section of the guide explains:

5.1 Where to send the Trial Record

5.2 What happens after you file

5.3 Incomplete Trial Record



5.1 Where to Send the Trial Record

Mail or deliver your Trial Record in person to the clerk/administrator of the Court of King's Bench, Family Division in your judicial district. (The addresses are in Appendix E on page 112).

Do NOT send the Trial Record to the Registrar's Office in Fredericton.

If the information in the Trial Record is incomplete (or inaccurate), then the judge will return the Trial Record to you. Once you have made the Trial Record complete and accurate you must re-file it with the Court. There is a \$10 re-filing fee. In some cases, the judge may want to talk to you.

Remember:

This guide only explains doing a divorce based on a one-year separation. You can start the process before the one-year period has ended, however you cannot file the **Trial Record** until the year has finished.

5.2 What happens after you file

After you have filed the Trial Record, if you are proceeding by **Affidavit Evidence**, the clerk/administrator will submit it to the judge. There is no Court hearing when you choose to proceed by affidavit evidence, unless the judge requires additional information.

The judge reviews the Trial Record and the Applicant/Petitioner's Affidavit to make sure that your information and claims meet the requirements of the *Divorce Act* and the **Child Support Guidelines**. This is called an **Assessment of the Request for Divorce**.

- If all the documents are included, and
- If the information is accurate and complete to support the request for divorce and any related orders about parenting time, decision-making responsibility, and support arrangements (called *corollary relief orders*)...

Then, the judge will give a **Divorce Judgment** granting the divorce. **You should go to Step 6.** However, if your Trial Record is incomplete, the Court will return it to you.

5.3 Incomplete Trial Record

Sometimes after the Applicant/Petitioner has filed the Trial Record with the Court, the Court returns the documents because the Trial Record is incomplete. There is a \$10 fee if a judge tells you to resubmit your Trial Record because it is incomplete! Some common reasons that the Court might return your documents, include, but are not limited to:

- you did not set out precisely in the Application/Petition everything you wanted the Court to include in the divorce judgment,
- your claim in one part or your Application/Petition contradicts your claim in another part of your Application/Petition,
- you did not include the necessary attachments such as an original marriage certificate, or a Financial Statement when/where required.
- you waited too long to serve the Application/Petition,
- you did not provide the Court with proper proof of service,
- your affidavit of evidence was not witnessed by a Commissioner of Oaths,
- your affidavit of evidence was witnessed but you waited too long to file your Trial Record (you must file your Trial Record within 5 days of swearing the Affidavit before the Commissioner of Oaths, or 14 days if it was a Joint Petition,
- the Joint Petitioner did not sign the Joint Petition or the affidavit of evidence.





Get Your Divorce Judgment

This section of the guide explains:

6.1 The Divorce Judgment

6.2 The Appeal Period

6.3 Agreement Not to Appeal (Form 72L)



6.1 The Divorce Judgment

After your hearing or the assessment of request, the judge will make a **Judgment granting the divorce**. In either case, the judge will sign an order and the **Trial Record** will be sent to the Registrar of the Court of King's Bench in Fredericton. The Registrar will send both of you the **Divorce Judgment** and a copy of the order for Corollary Relief, if any, in the mail. You must update the Registrar in Fredericton if you move after filing your Application/Petition for Divorce. If not, you will not receive notice when your divorce is granted.

A **Divorce Judgment** is an initial ruling that approves your divorce. The **Divorce Judgment** is **NOT** proof of divorce. It serves as a notice of the date that your divorce will take effect.

If you have not received your Divorce Judgment within two months of filing your Trial Record, you can call the Clerk/Administrator's Office in your Judicial District to ask if the Divorce Judgment has been signed and sent to the Registrar. (See **Appendix E on page 112** for the Court Office number in your jurisdiction.)

6.2 The Appeal Period

Many people do not realize that there is a **30-day appeal** period from the date of the Divorce Judgment. In other words, both you and your spouse have 30 days to appeal the judgment.

If neither you nor your spouse appeals during that 30-day period, **then on the thirty-first day, your divorce is in effect**. At this time, you can apply for your Certificate of Divorce. (See Step 7.) The **Certificate of Divorce** is your proof of divorce.

6.3 Agreement Not to Appeal

Ordinarily, you must wait until the 31st day after the date of the Divorce Judgment for the appeal period to run out. If there are **special circumstances**, and if you and your ex-spouse agree, you can apply to the Court for an earlier effective date. You must both sign an **Agreement Not to Appeal (Form 72L)**, see Sample C.2, page 109.

Wait for the
30 day appeal
period to end.





Ask for Your Certificate of Divorce

This final section of the divorce guide explains:

7.1 Proving you are divorced

7.2 Applying for a Certificate of Divorce

7.3 Letter to Request a Certificate of Divorce

7.1 Proving you are Divorced

Your divorce becomes effective on the 31st day after the date of the **Divorce Judgment**, unless one spouse appeals. Your Divorce Judgment is not proof of divorce. When someone asks you for “**proof of divorce**” you must show a **Certificate of Divorce** to prove that your marriage has ended.

To get a **Certificate of Divorce** you must apply for it. It will not be sent to you automatically. You can apply for the **Certificate of Divorce** 30 days after the date of the Divorce Judgment.

7.2 Applying for a Certificate of Divorce

Options to Apply for a Certificate of Divorce

- 1) [Online](#) on the Service New Brunswick website
- 2) In person at any SNB location
- 3) By mail or in person through the Registrar’s Office in Fredericton. You will need to prepare:
 - A Letter (see Sample B.1.1, page 50) and
 - a **certified cheque or money order for \$7**, payable to the **MINISTER OF FINANCE**.

Send your letter and fee to the:

Deputy Registrar
Court of King’s Bench
Room 202, Justice Building
P.O. Box 6000, Fredericton NB E3B 5H1
(or deliver by hand to Justice Building, 427 Queen Street, Room 202)

You have now
completed your
divorce.
Congratulations on
your hard work!



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Appendix A: Table of documents

All the documents you may need for a divorce are set out in the table below. They are all available on the Family Law NB website. (www.familylawnb.ca). Before you start filling out your forms, you should review them thoroughly.

Not working online? If you do not have a computer or cannot print the forms, make a list of the ones that you may need and go to any **Service New Brunswick** Office and ask for copies that are one-sided. You will have to tell them the form name and number. You will have to pay a photocopy fee to get these forms.

Certain family law forms, such as the **Application/Petition**, **Joint Petition** and **Financial Statement** may be available directly from the courthouse.

Steps 1 to 2: Documents needed for BATHURST, CAMPBELLTON, EDMUNDSTON, FREDERICTON AND WOODSTOCK		
Title of Document / Form Number	What you should know	Examples
Form 72A - Petition for Divorce	If you are doing your divorce by yourself, use Form 72A . When you file, be sure to attach the original marriage certificate, filing fee, along with your separation agreement or family Court order and any financial information required.	Petition for Divorce Attach a certified cheque or money order for your filing fee and Clearance Certificate (\$110). Use the fillable printable version on www.familylawnb.ca .
OR...		
Form 72B - Joint Petition for Divorce <i>Note: Only use a Joint Petition if you have settled all issues and are able to fully cooperate with your spouse. If one of you moves away, it may be difficult to complete the paperwork. Remember, you must both sign and swear to the joint affidavit of evidence for the Trial Record.</i>	If you and your spouse are Petitioning the Court together as co-petitioners, use Form 72B .	Joint Petition for Divorce Attach a certified cheque or money order for your filing fee and Clearance Certificate (\$110). Use the fillable printable version on www.familylawnb.ca .

Steps 1 to 2: Documents needed to File a an Application for Divorce in Judicial Districts of MONCTON AND SAINT JOHN

Title of Document / Form Number	What you should know	Examples
Form 81A – Application	If you live in a region of New Brunswick with a Family Division case management model (such as the Judicial District of Saint John or Moncton) you must use the specific family law forms set out under Rule 81. To apply for divorce in these regions, you must use Form 81A – Application . This form does not provide an option to Petition jointly.	Form 81A- Application Attach a certified cheque or money order for your filing fee and Clearance Certificate (\$110). Use the fillable printable version on www.familylawnb.ca If you have questions regarding the required forms in Moncton or Saint John you can call the Family Law Information Center:
Form 81B- Affidavit in Support of a Claim for a Parenting Order	If as part of your claim, you are asking for a parenting order, you will be required to file with Form 81A-Application, a Form 81B, an affidavit in support of a parenting order.	Saint John: (506) 658-6361 Moncton: (506) 856-3131

Step 2: Other Documents that may be needed to File with your Application

Cover letter (This is not a form)	Type this letter to go with your Divorce Application and attachments when you file	Cover Letter or use the online example.
Form 72J - Financial Statement <i>The online version is a “smart form”. As you enter financial information, it will add up the figures automatically and populate the correct tables.</i>	The Court requires both parties to submit Financial Statements if the application includes a request for: <ul style="list-style-type: none"> • child support, • special expenses under the Child Support Guidelines, • Marital Property division without a separation agreement/order, and/or • spousal support. 	A Guide to Completing Form 72J: Financial Statement and Income Information

STEP 3. Documents needed for service

Title of Document / Form Number	What you should know	Examples
Form 18B - Affidavit of Service (Personal Service)	If you use personal service you must give this form to your server. The example shows you how the server must fill it out. The server must have it witnessed by a Commissioner of Oaths. <i>Note: The Applicant/Petitioner is not permitted to serve the Application/Petition. It must be served by another adult.</i>	Affidavit of Service – Personal Service or use the online example .
Form 18B - Affidavit of Service (Registered Mail)	If you use service by registered mail, you must use Form 18B . The example shows how the server must fill it out. It must be witnessed by a Commissioner of Oaths.	Affidavit of Service –Service by Registered Mail Use the online example .
Form 18A - Acknowledgment of Receipt Card	You must enclose this Form with documents being served by registered mail or courier.	Acknowledgment of Receipt Card

Steps 4 to 6: Documents that may be needed to File a Trial Record

Title of Document / Form Number	What you should know	Examples
Cover letter for the Trial Record (This is not a form)	You must prepare this cover letter. It shows how to proceed by either affidavit evidence or Court hearing.	Cover Letter for the Trial Record
Cover Page for the Trial Record (This is not a form)	You must prepare this cover page for the Trial Record.	Cover Page for the Trial Record
Index for the Trial Record – Affidavit Evidence (This is not a form)	You must prepare this index, which is like a table of contents, for the Trial Record. The example shows how to list your documents if you proceed by affidavit evidence .	Index for the Trial Record – Affidavit Evidence See an example online.

Steps 4 to 6: Documents that may be needed to File a Trial Record

Title of Document / Form Number	What you should know	Examples
Index for the Trial Record - Court Hearing <i>(This is not a form)</i>	This example of an Index shows how to list your documents if you proceed by Court hearing.	Index for the Trial Record – Court Hearing See an example online .
Form 47B Certificate of Readiness <i>(Affidavit)</i>	You must complete this form and attach to the Trial Record.	Certificate of Readiness - affidavit evidence See an example online .
Form 47B Certificate of Readiness <i>(Court Hearing - Sole Applicant/Petitioner)</i>	You must complete this form for the Trial Record - for a Court hearing.	Certificate of Readiness – Court hearing See an example online .
Applicant/Petitioner Affidavit of Evidence – (Sole Applicant/Petitioner, template) <i>(This is not a form)</i>	This is a signed written statement of facts that you swear or affirm is truthful. The template provides blanks spaces to fill in the required information. The affidavit MUST be witnessed by a Commissioner of Oaths not more than 5 days before filing your Trial Record.	Affidavit of Evidence for an Application/Petition for Divorce by one spouse See an example online .
Petitioners' Affidavits of Evidence – (Joint Petition) (template) <i>(This is not a form)</i>	For a Joint Petition, the affidavits MUST be witnessed by a Commissioner of Oaths not more than 14 days before filing your Trial Record.	Affidavit – Supporting Joint Petition See an example online .
Form 72K - Request for Divorce	You must complete this form for the Trial Record if you are proceeding by affidavit evidence only.	Request for Divorce See an example online .
Form 72L - Agreement Not to Appeal	If you are asking to have the divorce take effect earlier than the 31st day after the Divorce Judgment, you must complete this form and include it with your Trial Record. You should indicate in your cover letter if you are requesting the divorce to be effective immediately and set out the special circumstances that justify the earlier date.	Agreement Not to Appeal See an example online .

Steps 4 to 6: Documents that may be needed to File a Trial Record

Title of Document / Form Number	What you should know	Examples
Documents that may be needed for a contested divorce		
In Judicial Districts of Bathurst, Campbellton, Edmundston, Miramichi and Woodstock	In Judicial Districts that have adopted a Case Management Model (Moncton and Saint John)	What you Should Know
Form 72 D- Answer	Form 81C- Answer	You should seek legal advice in a contested divorce before filing and filling out any of these forms.
Form 72 E- Reply		
Form 72 F- Answer and Counter Petition	Form 81D- Reply	
Form 72G- Answer to Counter Petition		
Form 72 H- Reply and Answer to Counter-Petition		

Step 7: Documents Needed to request a Certificate of Divorce

Title of Document / Form Number	What you should know	Examples
<p>Request a Certificate of Divorce at a Service New Brunswick Or Online</p> <p>Letter to Request a Certificate of Divorce (This is not a Form)</p>	This is a letter that needs to be sent to the Office of the Registrar of the Court of King's Bench, and be accompanied with a certified cheque or money order payable to the Minister of Finance for the amount of \$7.00.	Letter to Request a Certificate of Divorce See an example.

Other documents that may be needed as the case may be

Title of Document / Form Number	What you should know	Examples
Form 72 I- Notice of Intent to Defend	If you wish to contest the divorce, you may file and serve this form on the Petitioner to get an extra 10 days to file an Answer and Counter Petition. You should seek legal advice.	Notice of Intent to Defend You can use our fillable and printable version online.
Form 25 A- Notice of Discontinuance	If you want to stop the process after you begin the divorce, you must file this Form with the Registrar's Office and serve a copy on the Respondent. You must both sign it if you filed a Joint Petition. If the Respondent has filed an Answer, you will need the Respondent's consent to file a Notice of Discontinuance.	Notice of Discontinuance You can use our fillable and printable version online.
Notice of Intention to Act in Person (This is not a Form)	If you had a lawyer but are going to continue by representing yourself, you should file this notice with the Court (in person or by mail) in order to notify them of the change.	Notice of Intention to Act in Person
Form 72 C- Notice of Petition for Divorce	A Notice of Petition for Divorce is used if the Court has permitted alternative measures of serving the Respondent. This Notice gets published in a newspaper of the area where the Respondent is known to live for example.	

* If you are online, please note these forms are annotated, fillable and printable!

Note: Each sample form or document contains hypothetical information that is clearly identifiable as blue or handwritten text. When you fill in your own forms, or create your own documents, you must replace the relevant information with your own accurate information. You can also find the **Forms of Court** and **Rules of Court** on the government of New Brunswick's web site at www.gnb.ca under 'Acts and Regulations'.

Appendix B

Documents you will need to file the Application/Petition for Divorce, arrange service and file your Trial Record		
Documents needed	Title of document	Page
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B.1 To File your Application/Petition

Sample B.1.1. Cover Letter for filing your Petition

2 Poplar Street
Moncton, NB C1C 1A1
January 15, 2021

Registrar Court of King's Bench
P.O. Box 6000
Fredericton, NB E3B 5H1
(or if hand delivered - Justice Building, 427 Queen Street, Room 202)

Dear Sir or Madam:

You will find enclosed the original and one copy of my Petition for Divorce. I have attached [list the attached documents] a certified cheque [or money order] of \$110.00 covering the filing fee and the cost of the Clearance Certificate.

Please return the documents to me at the above address. If you need to reach me about this Petition, I can be reached during the daytime at 555-1234.

Yours truly,
Jane Mary Doe
Jane Mary Doe

Enclosures

FOR FORM 81A: if you do not need to argue anything in the courts and do not wish for the court to schedule a First Court Appearance, you should say so on the cover letter: **no First Court Appearance is necessary as there are no issues in dispute and the divorce will proceed by way of affidavit evidence.**

Sample B.1.2. Example of a Style of Proceeding

Court File Number: 1301-_____ 1

IN THE COURT OF KING'S BENCH OF NEW BRUNSWICK
FAMILY DIVISION
JUDICIAL DISTRICT OF _____ 2

BETWEEN _____ 3
PETITIONER
- and -
_____ 4
RESPONDENT
_____ 5

- 1 The Registrar gives you a Court file number when you file the Petition for Divorce. You must put this number on every document relating to your divorce.
- 2 Put the judicial district where you will file the documents. Your judicial district is the place in New Brunswick where either spouse ordinarily resides. One of the spouses must have lived in New Brunswick for at least one year before you can apply for a Divorce in New Brunswick. If you both live in NB, it is normally filed where the Petitioner resides. If there is a Court hearing, it will be in this district. There are eight judicial districts in New Brunswick. See Appendix E for a list.
- 3 Write your full name here – you are the **Petitioner** (or, in Saint John or Moncton, **the Applicant**) – the one who files the Petition).
- 4 Write your spouse's full name here (your spouse is the **Respondent** – the one who can respond to the Petition). Note: in a Joint Petition, the parties are the Petitioner and Joint Petitioner.
- 5 Write the name of the document and the form number (if there is one) here. For example: Affidavit, Request for Divorce (Form 72K), Index, etc.

APPENDIX OF FORMS
FORM 72A

PETITION FOR DIVORCE

FORMULAIRE
FORMULE 72A

REQUÊTE EN DIVORCE

Court File Number

N° du dossier

IN THE COURT OF KING'S BENCH OF
NEW BRUNSWICK
FAMILY DIVISIONCOUR DU BANC DU ROI DU
NOUVEAU-BRUNSWICK
DIVISION DE LA FAMILLE
CIRCONSCRIPTION JUDICIAIRE DE

JUDICIAL DISTRICT OF ... Fredericton ...

BETWEEN:

ENTRE :

Jane Mary Doe

PETITIONER

REQUÉRANT

- and -

- et -

John Robert Doe

RESPONDENT

INTIMÉ

PETITION FOR DIVORCE
(FORM 72A)REQUÊTE EN DIVORCE
(FORMULE 72A)

(N.B. In completing this form, use full width of page in space provided where possible, irrespective of official language used. If space is insufficient, use additional page.)

(N.B. : En remplissant cette formule, veuillez employer la largeur totale de la page dans les espaces accordés, si possible, quelque soit la langue officielle utilisée. Au besoin, employez des feuilles supplémentaires.)

TO: (Insert names and addresses of respondent and person(s)-named.) John R. Doe, 123 Green St,
Fredericton, NB E1A 3B3

DESTINATAIRES : (Donner les noms et adresses de l'intimé et des tiers désignés.)

A LEGAL PROCEEDING FOR A DIVORCE HAS BEEN COMMENCED AGAINST YOU BY THE PETITIONER. THE CLAIM MADE AGAINST YOU APPEARS IN THE FOLLOWING PAGES.

UNE POURSUITE JUDICIAIRE EN DIVORCE A ÉTÉ ENGAGÉE CONTRE VOUS PAR LE REQUÉRANT. LA DEMANDE FAITE CONTRE VOUS EST ÉNONCÉE DANS LES PAGES SUIVANTES.

If you wish to defend this proceeding, you or a New Brunswick lawyer acting for you must prepare your Answer in Form 72D and serve it on the petitioner or the petitioner's lawyer and file it in this Court office

Si vous désirez contester cette poursuite, vous-même ou un avocat du Nouveau-Brunswick chargé de vous représenter devrez préparer votre réponse au moyen de la formule 72D, la signifier au requérant ou à son avocat et la déposer au greffe de la cour :

- (a) if you are served in New Brunswick, WITHIN 20 DAYS after service on you of this Petition for Divorce, or
- (b) if you are served out of New Brunswick but elsewhere in Canada or in the United States of America, WITHIN 30 DAYS after such service on you, or

- a) DANS LES 20 JOURS de la signification qui vous sera faite de la présente requête en divorce, si elle vous est faite au Nouveau-Brunswick, ou
- b) DANS LES 30 JOURS de la signification, si elle vous est faite dans une autre région du Canada ou dans les États-Unis d'Amérique, ou

- (c) if you are served anywhere else WITHIN 60 DAYS after such service on you.

If this Petition for Divorce contains a claim for support or support and division of property, you must within the same time, file your Financial Statement in the form prescribed by the Rules of Court, whether or not you wish to defend this proceeding.

If this Petition for Divorce contains a claim for child support, you must within the same time file the income information required by the child support guidelines, whether or not you wish to defend this proceeding.

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

If you fail to serve and file an Answer, a Financial Statement or the income information required by the child support guidelines, you may be deemed to have admitted any claim made against you, and JUDGMENT MAY BE GIVEN AGAINST YOU IN YOUR ABSENCE.

You are advised that:

- (a) you are entitled to issue documents and present evidence in the proceeding in English or French or both;
- 7** (b) the petitioner intends to proceed in the *English* language;
- (c) you must indicate in your Answer the language in which you intend to proceed; and
- (d) if you intend to proceed in or present evidence in the other official language, an interpreter may be required and you must so advise the court administrator at least 7 days before the trial.

- c) DANS LES 60 JOURS de la signification, si elle vous est faite ailleurs.

Si la présente requête en divorce contient une demande d'ordonnance alimentaire ou une demande d'ordonnance alimentaire et de répartition des biens, vous devez, dans les mêmes délais, déposer un état financier en la forme prescrite par les règles de procédure, que vous désiriez contester ou non la poursuite.

Si la présente requête en divorce contient une demande d'ordonnance alimentaire au profit d'un enfant, vous devez, dans les mêmes délais, déposer les renseignements sur le revenu requis aux fins d'application des lignes directrices sur les aliments pour enfant, que vous désiriez contester ou non la poursuite.

SI VOUS OMETTEZ DE SIGNIFIER ET DE DÉPOSER UNE RÉPONSE, UN DIVORCE PEUT ÊTRE ACCORDÉ EN VOTRE ABSENCE ET, SANS AUTRE PRÉAVIS, UN JUGEMENT CONCERNANT TOUTE AUTRE DEMANDE CONTENUE DANS LA PRÉSENTE REQUÊTE POURRA ÊTRE RENDU CONTRE VOUS ET VOUS POURREZ PERDRE VOTRE DROIT À UNE ORDONNANCE ALIMENTAIRE OU À UNE RÉPARTITION DES BIENS.

Si vous omettez de signifier et de déposer une réponse, un état financier ou les renseignements sur le revenu aux fins d'application des lignes directrices sur les aliments pour enfant, vous pourrez être réputé avoir accepté toute demande formulée contre vous et JUGEMENT POURRA ÊTRE RENDU CONTRE VOUS EN VOTRE ABSENCE.

Sachez que :

- a) vous avez le droit dans la présente instance, d'émettre des documents et de présenter votre preuve en français, en anglais ou dans les deux langues;
- b) le requérant a l'intention d'utiliser la langue
- c) vous devrez indiquer dans votre réponse la langue que vous avez l'intention d'utiliser; et
- d) si vous avez l'intention d'utiliser l'autre langue officielle ou de présenter votre preuve dans cette autre langue, les services d'un interprète pourront être requis et vous devrez en aviser le greffier au moins 7 jours avant le procès.

You may inquire from this Court office the approximate date of the trial of this proceeding and the date and details of any divorce judgment or order granted.

Neither you nor your spouse is free to remarry as a result of this proceeding until a divorce judgment has become effective. Once a divorce judgment has become effective, you may obtain a certificate of divorce from this Court office.

8 THIS PETITION FOR DIVORCE is signed and sealed for the Court of King's Bench by the Deputy Registrar of the Court at Fredericton, on the day of, 20.....

Deputy Registrar of the Court of King's Bench,
Justice Building, Queen Street,
P.O. Box 6000, Fredericton, N.B.,
E3B 5H1

Vous pouvez obtenir du présent greffe la date approximative du procès, ainsi que la date et autres détails de tout jugement de divorce rendu ou ordonnance accordée.

Ni vous ni votre conjoint ne pouvez vous remarier suite à cette instance tant qu'un jugement de divorce n'aura pas pris effet. Dès que le jugement de divorce aura pris effet, vous pourrez obtenir un certificat de divorce du présent greffe.

LA PRÉSENTE REQUÊTE en divorce est signée et scellée au nom de la Cour du Banc du Roi par le registraire adjoint de la Cour à Fredericton, ce 20.....

Registraire adjoint de la Cour du Banc du Roi
Palais de Justice, rue Queen,
C.P. 6000
Fredericton, N.-B.,
E3B 5H1

PETITION FOR DIVORCE

(Strike out portions that are not applicable.)

CLAIM

9

1 The petitioner claims:

(a) a divorce;

(b) under the *Divorce Act*,

- (i) → Please See attached
(ii)
(iii)

(c) under the *Marital Property Act*

- (i)
(ii)
(iii)

(State precisely everything you want the Court to include in the divorce judgment. If you claim child support, set out the number of children under the age of majority and the number of children over the age of majority and the nature and amount of any special expenses claimed. If you claim spousal support, set out the amount claimed as spousal support. If you claim a division of property, set out the nature and amount of relief claimed. If you claim division of property that is not listed in an attached Financial Statement, attach a list of all property that you seek to have divided and set out your claim to each item of property. If you want to include provisions of a domestic contract, separation agreement, minutes of settlement, parenting plan, 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. If relief is claimed under any other Act, refer to the Act in the claim.)

GROUNDS

10

2(a) There has been a breakdown of the marriage by reason that: *(Check appropriate box or boxes.)*

(i) the spouses have lived separate and apart since the . . . 5th . . . day of January 2018 . . . and are now living separate and apart.

REQUÊTE EN DIVORCE

(Rayez la mention inutile.)

DEMANDE

1 Le requérant demande :

a) un divorce;

b) en application de la *Loi sur le divorce*

- (i)
(ii)
(iii)

c) en application de la *Loi sur les biens matrimoniaux*

- (i)
(ii)
(iii)

(Énoncez de façon précise tout ce que vous désirez faire inclure dans le jugement de divorce. Si vous demandez une ordonnance alimentaire au profit d'un enfant, indiquez le nombre d'enfants mineurs, le nombre d'enfants majeurs ainsi que la nature et le montant de toutes dépenses spéciales sollicitées. Si vous demandez une ordonnance alimentaire au profit d'un époux, indiquez le montant réclamé à ce titre. Si vous demandez une répartition des biens, décrivez la nature et le montant des mesures de redressement sollicitées. Si vous demandez la répartition de biens qui ne sont pas mentionnés dans l'état financier annexé, annexe une liste de tous les biens qui feront l'objet de la répartition et établissez une demande relativement à chacun de ces biens. Si vous désirez inclure, dans le jugement de divorce, les dispositions d'un contrat domestique, d'un accord de séparation, le compte rendu d'un règlement amiable, le plan parental, une ordonnance antérieure de la cour ou tout autre document, annexe une copie du document et faites renvoi aux dispositions particulières à être incluses. Si une demande est faite pour une mesure de redressement en vertu de toute autre loi, faites renvoi à la loi dans votre demande.)

MOTIFS

2(a) Il y a eu échec du mariage car: *(Cochez la ou les cases applicables.)*

(i) les époux ont vécu séparément depuis le 20 et vivent séparément à l'heure actuelle.

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• • •

- (b) under the divorce Act,
- (i) a parenting order for the majority of parenting time and shared decision-making responsibility of the two children of the marriage, as provided in Section — of the separation agreement dated July 13th, 2021, a copy of which is attached; and
 - (ii) a child support order for the two children of the marriage under the age of majority, as provided for in Section — of the separation agreement dated July 13th, 2021, a copy of which is attached.

☐ (ii) the respondent, on or about the day of, 20. . . . , committed adultery with

☐ (iii) the respondent has, since celebration of the marriage, treated the petitioner with physical or mental cruelty of such a kind as to render intolerable the continued cohabitation of the spouses.

(b) The particulars of the grounds for the divorce are: *(Set forth fully but concisely all the material facts relied on but not the evidence by which they may be proved.)*

☐ (ii) l'intimé a, le ou aux environs du 20. . . . , commis l'adultère avec

☐ (iii) l'intimé a, depuis la célébration du mariage, traité le requérant avec une cruauté physique ou mentale qui rend intolérable le maintien de la cohabitation.

b) Les détails des motifs du divorce sont les suivants : *(Énoncez de façon complète et concise les faits déterminants sur lesquels repose la demande mais non les moyens de preuve à l'appui.)*

The Spouses have lived separate and apart at all times since the separation on January 5th, 2018. Both Spouses agreed to the separation.

RECONCILIATION

11 There is no possibility of reconciliation of the spouses.

(b) *(Where applicable)* The following efforts to reconcile have been made:

12

PARTICULARS OF MARRIAGE

(Attach a marriage certificate or explain its absence.)

4(a) The petitioner and respondent were married on the 10th day of January, 2010, at Fredericton, NB
(place of marriage)

(b) The petitioner's last name at birth was Smith.

(c) The respondent's last name at birth was Doe.

(d) The petitioner's last name on the day before this marriage *(if different than at birth)*: N/A

(e) The respondent's last name on the day before this marriage *(if different than at birth)*: N/A

(f) The petitioner's given names on the day before this marriage: Jane Mary

RÉCONCILIATION

3a) Il n'y a aucune possibilité de réconciliation des époux.

b) *(s'il y a lieu)* Voici les tentatives de réconciliation qui ont été faites :

ÉTAT CIVIL

(Annexez un certificat de mariage ou justifiez son absence.)

4a) Le requérant et l'intimé se sont épousés le 20. . . . à
(endroit)

b) Le requérant avait pour nom de famille à la naissance :

c) L'intimé avait pour nom de famille à la naissance :

d) Le requérant avait pour nom de famille à la veille du mariage *(si différent de celui à la naissance)* :

e) L'intimé avait pour nom de famille à la veille du mariage *(si différent de celui à la naissance)* :

f) Le requérant avait pour prénoms à la veille du mariage :

- (g) The respondent's given names on the day before this marriage: ... John Robert ...
- (h) The petitioner's gender on the day before this marriage:
☐ Male ☒ Female ☐ Another Gender
- (i) The respondent's gender on the day before this marriage:
☒ Male ☐ Female ☐ Another Gender
- (j) The marital status of the petitioner and the respondent on the day before this marriage was:
 petitioner Single
 respondent Single
- (k) The petitioner was born on the day of 7th day
of January, 1991
- (l) The respondent was born on the 12th day of
August ..., 1989
- g) L'intimé avait pour prénoms à la veille du mariage :
- h) Le genre du requérant à la veille du mariage :
☐ Masculin ☐ Féminin ☐ Autre genre
- i) Le genre de l'intimé à la veille du mariage :
☐ Masculin ☐ Féminin ☐ Autre genre
- j) À la veille du mariage, l'état matrimonial du requérant et de l'intimé était comme suit :
 requérant
 intimé
- k) Le requérant est né le
- l) L'intimé est né le

13 RESIDENCE AND JURISDICTION

- 5(a) The petitioner resides at Fredericton in the Province of New Brunswick...
- (b) The respondent resides at Fredericton in the Province of New Brunswick.
- (c) (Check the appropriate box)
☐ The petitioner has been
☐ The respondent has been
☒ Both the petitioner and the respondent have been

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

RÉSIDENCE ET RESSORT JUDICIAIRE

- 5a) Le requérant réside à , dans la province de
- b) L'intimé réside à , dans la province de
- c) (Cochez la case applicable.)
☐ Le requérant a
☐ L'intimé a
☐ Le requérant et l'intimé ont

résidé habituellement dans la province du Nouveau-Brunswick pendant au moins l'année précédant l'introduction de l'instance.

14 CAPACITY

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

CAPACITÉ

- 6 Le requérant et l'intimé ont chacun 19 ans révolus et ne sont pas atteints d'une incapacité juridique.

15 CHILDREN**LES ENFANTS****15a**

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

7a) Les enfants à charge au sens de la *Loi sur le divorce* sont les suivants :

Full Name	Birth date	School and grade or year	Person(s) with whom child lives and length of time child has lived there	Nom et prénoms	Date de naissance	École et année	Personne(s) avec laquelle (lesquelles) réside l'enfant et depuis combien de temps
Mary Jane Doe	May 2 nd , 2011	Grade 4	Mother Since January 5 th , 2018				
Michael John Doe	July 7 th , 2014	Grade 2	Mother Since January 5 th , 2018				
.....
.....
.....
.....

The children habitually reside in (*municipality and province, state or country*)
Fredericton, NB

Les enfants résident habituellement à (*municipalité et province, état ou pays*)

15b

(b) The petitioner seeks a parenting order with respect to the following children on the following terms: (*Be sure that this claim agrees with the claim under clause 1(b).*)

b) Le requérant demande une ordonnance parentale à l'égard des enfants suivants, selon les modalités qui suivent : (*Assurez-vous que la présente demande est conforme à la demande présentée à l'alinéa 1b).*)

Name of child	Terms of the order	Nom de l'enfant	Modalités de l'ordonnance
Mary Jane Doe	Pursuant to Section ____ of the Separation Agreement dated July 18 th , 2021 the majority of parenting time will be spent with the Applicant. The Applicant will have shared decision-making responsibilities with the Respondent. The Respondent will have parenting time every Sunday from 10am to 6pm and two weeks in the summer.		
Michael John Doe			
.....			
.....			
.....			

☒ agrees
 The respondent [] does not agree with the above terms.

L'intimé consent []
 [] ne consent pas aux modalités susmentionnées.

15c

(c) The petitioner is not seeking a parenting order and

c) Le requérant ne demande pas d'ordonnance parentale et

[] is content that a previous parenting order continue in force, or

[] consent à la continuation d'une ordonnance parentale antérieure, ou

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

[] tente d'obtenir une ordonnance parentale dans une autre instance, dont les détails sont les suivants : *(Donnez le nom de la cour, le numéro du dossier et les détails de l'ordonnance ou de l'instance.)*

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

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

15d

- (d) The petitioner seeks to have parenting time allocated under a parenting order and is content that the respondent have parenting time and decision-making responsibility allocated under a parenting order with respect to the following children on the following terms: *(Be sure that this claim agrees with the claim under clause 1(b).)*

- d) Le requérant demande que lui soit attribué du temps parental en vertu d'une ordonnance parentale et que l'intimé obtienne du temps parental et des responsabilités décisionnelles à l'égard des enfants qui suivent en vertu d'une ordonnance parentale, selon les modalités qui suivent : *(Assurez-vous que la présente demande est conforme à la demande présentée en vertu de l'alinéa 1b).*

Name of child	Terms of order	Nom de l'enfant	Modalités de l'ordonnance
Mary Jane Doe	Persuant to section ____ of the separation agreement dated July 18 th , 2021, the majority of parenting time will be spent with the Applicant. The Applicant will have shared decision-making responsibilities with the Respondent. The Respondent will have parenting time every Sunday from 10am to 6pm and two weeks in the summer.		
Michael John Doe			
.....			
.....			
.....			
.....			

The respondent ☒ agrees
[] does not agree with the above terms.

L'intimé consent []
[] ne consent pas aux modalités susmentionnées.

15e

- (e) The following is the existing schedule of parenting time for the spouse who does not have the children living with him or her: *(Give details such as days of the week, hours and location.)*

- e) Le temps parental actuel est attribué à l'époux qui ne réside pas avec les enfants selon l'horaire suivant : *(Donnez les détails tels les jours de la semaine, les heures et le lieu.)*

- ① The Respondent has parenting time of the children every Sunday from 10am to 6pm at 123 Green St, Fredericton, NB.
- ② The Respondent has parenting time for two weeks in the summer; a two month notice is given to the Petitioner.

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

15f

f) The above schedule of parenting time is

☒ satisfactory.
☐ not satisfactory.

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

.....

15g

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

Since birth, I have taken care of
 the children. There is a strong bond
 between the children and I. I am
 able to meet their needs. They have
 a stable and secure relationship with
 me.

15h

h) The following changes in the circumstances of the spouses are expected to affect the children and the parenting time and decision-making responsibility with respect to the children in the future:

.....

f) L'horaire de temps parental susmentionné est

☐ satisfaisant
☐ insatisfaisant.

(Si l'horaire n'est pas satisfaisant, en donner les raisons et décrire comment il devrait être modifié.)

.....

g) L'ordonnance demandée en vertu de l'alinéa b) ou d) est dans l'intérêt supérieur des enfants pour les raisons suivantes :

.....

h) Les changements dans la situation des époux qui sont susceptibles d'affecter les enfants et le temps parental et les responsabilités décisionnelles à leur égard sont les suivants :

.....

- 15i** (i) The existing arrangements between the spouses for support for the children are as follows:

- i) Les arrangements actuels entre les époux pour les aliments des enfants sont les suivants :

Amount paid	Time period (weekly, monthly, etc.)	Paid by (petitioner or respondent)	Paid for (name of child)	Montant payé	Période (paiement hebdomadaire, mensuel etc.)	Montant payé par (le requérant ou l'intimé)	Montant payé pour le bénéfice de (nom de l'enfant)
\$720.00 (For Both children)	Monthly.	Respondent.	Mary Jane Doe.				
	Monthly	Respondent	Michael John Doe				
.....
.....
.....
.....

- 15j** (j) The existing support arrangements

- j) Les arrangements actuels relativement aux versements d'aliments

☒ are being honoured.
☐ are not being honoured.

☐ sont respectés
☐ ne sont pas respectés.

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

(Si les arrangements ne sont pas respectés, précisez le montant des arriérés et depuis quand ils sont dus. Si vous demandez une ordonnance pour le paiement partiel ou total de l'arriéré, assurez-vous qu'une demande en vertu de l'alinéa 1b) est incluse.)

.....

.....

- 15k** (k) The petitioner proposes that the support arrangements for the children should be as follows: *(Be sure that this claim agrees with the claim under clause 1(b).)*

- k) Le requérant propose que les arrangements relatifs au paiement d'aliments pour le bénéfice des enfants soient les suivants : *(Assurez-vous que la présente demande est conforme à la demande présentée à l'alinéa 1b).)*

Amount to be paid	Time period (weekly, monthly, etc.)	To be paid by (petitioner or respondent)	To be paid for (name of child)	Montant à être payé	Période (paiement hebdomadaire, mensuel, etc.)	Montant à être payé par (le re- quérant ou l'intimé)	Montant à être payé pour le bénéfice de (nom de l'enfant)
\$720.00 (for both children)	monthly	Respondent	Mary Jane Doe.....				
	monthly	Respondent	Michael John Doe				
.....

.....

.....

.....

15k.1

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

k.1) La nature et le montant de toutes dépenses spéciales sont comme suit :

Nature of special expense	Amount to be paid	Time period (weekly, monthly, etc.)	To be paid by (petitioner or respondent)	To be paid for (name of child)	Nature des dépenses spéciales	Montant à être payé	Période (paiement hebdomadaire mensuel, etc.)	Montant à être payé par (le requérant ou l'intimé)	Montant payé pour le bénéfice de (nom de l'enfant)
Dental Care	\$765.00	Yearly	Both- Pro-rata basis	2 children; Mary Jane Doe					
				Michael John Doe					
Day Care	\$2835.00	Yearly	Both- Pro-rata basis	1 child; Michael John Doe					

15l

(l) The educational needs of the children

l) Les besoins éducationnels des enfants

☒ are being met.

☐ are not being met.

☐ sont satisfaits

☐ ne sont pas satisfaits.

(If not being met, give particulars.)

(Si ces besoins ne sont pas satisfaits, donnez les détails.)

.....

.....

.....

.....

.....

.....

16

OTHER COURT PROCEEDINGS**AUTRES INSTANCES JUDICIAIRES**

8 If you are applying for a parenting order or an order for child support or spousal support, you will need to tell the court about:

8 Si vous demandez une ordonnance parentale ou une ordonnance alimentaire au profit d'un enfant ou d'un époux, vous devrez mentionner à la cour les éléments suivants :

- any criminal or child protection cases or orders that involve you or your spouse, or
- any restraining or protection orders or applications against one of you.

- toute affaire ou ordonnance pénale ou de protection de l'enfance qui vous vise, ou qui vise votre époux;
- toute ordonnance ou demande d'interdiction ou de protection contre l'un ou l'autre d'entre vous.

The judge will use this information to help ensure that any orders made under the *Divorce Act* do not conflict with other orders or proceedings.

Le juge utilisera ces renseignements pour s'assurer que toute ordonnance rendue en vertu de la *Loi sur le divorce* n'est pas en conflit avec d'autres ordonnances ou instances.

The following are all other court proceedings involving one or both parties to this proceeding or any child of the marriage: (Give the name of the court, the court file number,

Toutes les instances judiciaires impliquant une ou les deux parties à cette instance ou tout enfant à charge sont les suivantes : (Donnez le nom de la cour, le numéro du

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.)

dossier, le genre d'ordonnance demandée et l'ordonnance rendue par la cour, s'il y a lieu. Si l'instance n'a pas été menée à conclusion, dites à quelle étape elle se trouve.)

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

CONTRATS DOMESTIQUES, ACCORDS DE SÉPARATION, COMPTE RENDU D'UN RÈGLEMENT AMIABLE OU AUTRES ARRANGEMENTS FINANCIERS ET PLANS PARENTAUX

17

9(a) 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.)*

9a) Les époux ont conclu un contrat domestique, un accord de séparation, un compte rendu d'un règlement amiable, ou autres arrangements financiers verbaux ou écrits qui suivent : *(Donnez les détails et annexe des copies. Mentionnez s'il y a des arrangements en vigueur. Si des paiements alimentaires sont en souffrance, citez les montants qui n'ont pas été payés.)*

Date	Nature of arrangements
July 13 th 2021	Separation Agreement.
.....	Agreement is in effect.
.....	→ please see attachments

Date	Genre d'arrangement
.....
.....
.....

(b) The spouses have agreed to a parenting plan. *(Attach a copy.)*

b) Les époux ont convenu d'un plan parental. *(Annexez une copie.)*

(c) *(Where a claim for support or division of property is made, check the appropriate box or boxes.)*

c) *(Lorsqu'une demande d'ordonnance alimentaire ou de répartition des biens est faite, cochez la ou les cases applicables.)*

☒ The Financial Statement of the petitioner, in the form prescribed by the Rules of Court, is attached.

☐ L'état financier du requérant, en la forme prescrite par les règles de procédure, est annexé à la présente demande.

☒ The income information of the petitioner required by the child support guidelines is attached.

☐ Les renseignements sur le revenu du requérant requis en vertu des lignes directrices sur les aliments pour enfant sont annexés à la présente demande.

☐ I claim a division of property not listed in the Financial Statement. A list of all property that I seek to have divided is attached and my claim to each item of property is set out on the list.

☐ Je demande une répartition de biens non énumérés dans l'état financier. Une liste de tous les biens dont je demande la répartition est annexée et ma réclamation de chacun de ces biens y est établie.

☐ The petitioner and respondent agree that corollary relief should be granted as set out above in the petitioner's claim.

☐ Le requérant et l'intimé consentent à ce que les mesures accessoires telles que décrites dans la demande du requérant soient accordées.

18 COLLUSION, CONDONATION AND CONNIVANCE

COLLUSION, PARDON ET CONNIVENCE

10(a) There has been no collusion in relation to this proceeding.

10a) Il n'y a eu aucune collusion relativement à la présente demande.

(b) *(Where breakdown of the marriage is alleged on the basis of adultery or cruelty, check the box below, unless there has been either connivance or condonation on the part of the petitioner, in which case give full particulars of the facts on which the Court will be asked to find that the public interest would be better served by granting the divorce.)*

b) *(S'il est allégué qu'il y a échec du mariage par raison d'adultère ou de cruauté, cochez la case ci-dessous, sauf s'il y a eu connivence ou pardon de la part du requérant; dans ce cas, précisez tous les faits sur lesquels la cour sera appelée à se prononcer pour conclure que l'intérêt public serait mieux servi si le jugement sollicité était rendu.)*

☐ There has been no condonation or connivance on the part of the petitioner.

☐ Il n'y a eu aucun pardon ou aucune connivence de la part du requérant.

19 PLACE OF TRIAL

LIEU DU PROCÈS

11 The petitioner proposes that this proceeding be tried at Fredericton, NB

11 Le requérant propose que la présente instance soit entendue à

20 DECLARATION OF PETITIONER

DÉCLARATION DU REQUÉRANT

12(a)
☒ I have read and understand this Petition for Divorce. The statements of which I have personal knowledge are true, and those of which I do not have personal knowledge I believe to be true.

12a)
☐ J'ai lu la présente requête en divorce et j'en comprends le sens. Les faits qui y sont énoncés et dont j'ai une connaissance personnelle sont vrais et je crois être vrais ceux dont je n'ai pas de connaissance personnelle.

12(b)
☒ I certify that I am aware of my duties under sections 7.1 to 7.5 of the *Divorce Act*.

12 b)
☐ J'atteste que je suis conscient des obligations qui me sont imposées en application des articles 7.1 à 7.5 de la *Loi sur le divorce*.

DATED at Fredericton, NB, this 7th day of July, 2022

FAIT à le 20....

21

Jane M. Doe

signature of petitioner

5 Main Street, Fredericton, NB E3B 8M2

address for service
within New Brunswick

.....
signature du requérant

.....
adresse pour fins de signification
au Nouveau-Brunswick

22

STATEMENT OF SOLICITOR13 (*Where petitioner has retained a solicitor*)

I, solicitor
for the petitioner, certify that I have complied with the re-
quirements of section 7.7 of the *Divorce Act*.

*(Where in the circumstances it would clearly not be ap-
propriate to discuss the matters in subsection 7.7(1) with
the petitioner, set out the circumstances.)*

DATED at, this
day of, 20.....

.....
signature of solicitor

.....
solicitor's business address

85-5; O.C. 87-380; O.C. 97-640; O.C. 98-337; O.C.
2006-228; O.C. 2021-62

DÉCLARATION DE L'AVOCAT13 (*Si le requérant a retenu les services d'un avocat*)

JE SOUSSIGNÉ,
avocat du requérant, atteste m'être conformé aux exi-
gences prévues à l'article 7.7 de la *Loi sur le divorce*.

*(Si les circonstances en l'espèce sont telles qu'il serait
inapproprié de discuter des questions visées au para-
graphe 7.7(1) avec le requérant, indiquez ces circons-
tances.)*

FAIT à le 20. ...

.....
signature de l'avocat

.....
adresse professionnelle de l'avocat

85-5; D.C. 87-380; D.C. 97-640; D.C. 98-337; D.C.
2006-228; D.C. 2021-62

Annotations– Petition for Divorce (Form 72A)

1. **Court File Number** – Leave this blank. When you file your Petition, the Registrar will assign a file number. You need to put this number on all your Court documents.
2. You only need to complete one side of this form (either the English or French side.)
3. See Appendix E to choose the Judicial District for your county.
4. Give your full name as it appears on the marriage certificate.
5. Give the full name of the Respondent. Your spouse is the Respondent.
6. Give the full last known address of the Respondent.
7. Write the language (English or French) you prefer to use in the divorce hearing, if there is a hearing.
8. Leave this blank. When the Registrar receives the Petition for Divorce, the Registrar will add the full date.
9. **Claim** – Make your claim very clear. For example, if you are asking the Court for decision-making responsibility and the majority of parenting time, write the request in this place. Write down if you are asking for support for yourself and/or child(ren). Write down if you are asking for the division of marital property and/or debts. If you would like to have provisions of a separation agreement included, refer specifically to the provisions. Attach a copy of the separation agreement to the Petition for Divorce.
10. **Grounds** – There are three stated reasons for a marriage breakdown. Check the stated ground and write the required dates. The grounds “lived and separate apart” is most commonly used for uncontested divorces. Under paragraph (b), write down information on the particulars of your marriage breakdown.
11. **Reconciliation** – If you and your spouse did not try to reconcile, strike out paragraph (b) and encircle that there is no possibility of reconciliation of the spouses. If you did try to reconcile, write out what efforts you made.
12. **Particulars of Marriage** – Attach the original marriage certificate. Make sure that the information in the Petition for Divorce is the same as the information on the marriage certificate. Write down the required information under Section 4.
13. **Residence and jurisdiction** – Residence means the place where you are now living. Under the *Divorce Act* you or the Respondent must live in a province for at least one year before the filing of the Petition for Divorce.
14. **Capacity** – Do not cross out or write in this Section. This Section is a requirement under law and cannot be strike out. Both the Petitioner and the Respondent must be of the full of 19 years (or older) and have capacity. Someone who does not have capacity and has a disability may need to appoint a legal guardian.

15. **Children** – If there are no child(ren), or if the children are grown up and living on their own, you can strike the full Section.

- (a) Put the required information about your child(ren).
- (b), (c) and (d) If you are seeking a parenting order, write the parenting order you are seeking. Check the box to indicate whether the Respondent agrees with what you are seeking. Strike Subsections C and D if you are not content with a previous Court order or do not have a Court order regarding decision-making responsibilities and parenting time of your child(ren). If you are content with a previous parenting order, you can strike Subsection B and write and fill and check Subsections C and D.
- e) Write down the existing schedule of parenting time for the spouse who does not have the children living with them (whether or not you have a court order/or/a separation agreement). Make sure to include details such as days, place, and length of visits.
- f) If you are not satisfied with the existing schedule of parenting time, write down what schedule you would like.
- g) State why the parenting order you request is in the best interests of the children.
- (h) Write any changes that are expected to affect the children and the parenting time and decision-making responsibility. If no such changes are expected, you can strike this Subsection.
- (i) Write the existing arrangements between the spouses for support of the child(ren) or if there are none, write that there are none.
- j) Check whether the current payment arrangement is being honoured. If it is not, explain in this space how much has been left unpaid and how long it has been unpaid. If you have an agreement regarding the outstanding balance, write it here and make sure it is included in paragraph 1(b).
- k) Write the proposed support arrangements for your child(ren). Check whether the support arrangements proposed in paragraph 7(k) follow the Federal Child Support Guidelines. This amount must also match the request made in paragraph 1(b).
- k.1) List the amount of any special expenses in this space. Special expenses refer to the childcare, medical care, educational costs, post-secondary education or extracurricular activities.
- (l) Check if the educational needs of the child(ren) are being met. If they are not being met, explain in the space provided.

16. **Other Court Proceedings** – If there are any other Court proceedings involving you and the Respondent, you need to mention these. If there are no other proceedings, you can strike this Subsection or write “N/A.”

17. **Domestic Contracts, Separation Agreements** –

- (a) Write the particulars of your domestic contract or separation agreement. If you have no agreements, you can strike the full Section or write “N/A”.
- (b) Attach a copy of your parenting plan if you have one.
- (c) Check the appropriate boxes if you have a claim for child or/and spousal support or the division of marital property. You may be required to file a Financial Statement (Form 72J) and provide other income documents.

18. **Collusion, Condonation and Connivance** – Leave this Section indicating that there has been no collusion in relation to this proceeding, do not cross it out. Check the box indicating there has been no condonation or connivance. There cannot have been any collusion between the parties in relation to this divorce proceeding. Collusion here means an agreement or conspiracy that you as the Applicant are a part of, either directly or indirectly, for the purpose of subverting the administration of justice. This includes any agreement, understanding, or arrangement to fabricate or suppress evidence or to deceive the Court, but does not include an agreement that only provides for separation between the parties, financial support, division of property, or the parenting of any child of the marriage.
19. **Place of Trial** – The place of trial is the judicial district in which the Petition is filed.
20. **Declaration of the Petitioner** – You need to confirm that you have read and understand this Document. You also need acknowledge your duties under Sections 7.1 to 7.5 of the *Divorce Act*. See more information in the table below.
21. **Signature** – Do not forget to sign and date this form on the last page and include your address, telephone number and email address in the space provided.
22. **Statement of the Solicitor** – If you do not have a lawyer, you can leave a blank or strike that Section of the Form.

Duties under the *Divorce Act* of Parties to a Proceeding

Best interests of child

7.1 A person to whom parenting time or decision-making responsibility has been allocated in respect of a child of the marriage or who has contact with that child under a contact order shall exercise that time, responsibility or contact in a manner that is consistent with the best interests of the child.

Protection of children from conflict

7.2 A party to a proceeding under this Act shall, to the best of their ability, protect any child of the marriage from conflict arising from the proceeding.

Family dispute resolution process

7.3 To the extent that it is appropriate to do so, the parties to a proceeding shall try to resolve the matters that may be the subject of an order under this Act through a family dispute resolution process.

Complete, accurate and up-to-date information

7.4 A party to a proceeding under this Act or a person who is subject to an order made under this Act shall provide complete, accurate and up-to-date information if required to do so under this Act.

Duty to comply with orders

7.5 For greater certainty, a person who is subject to an order made under this Act shall comply with the order until it is no longer in effect.

**APPENDIX OF FORMS
FORM 72B**

JOINT PETITION FOR DIVORCE

Court File Number

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

Claire Jane Cook

PETITIONER

- and -

Roger John Cook

JOINT PETITIONER

Signed and sealed for the Court of King's Bench at
Fredericton by the Deputy Registrar of the Court at Freder-
icton on the day of,

.....
Deputy Registrar

**JOINT PETITION FOR DIVORCE
(FORM 72B)**

(Strike out portions that are not applicable.)

CLAIM

5

1 The petitioner and the joint petitioner jointly seek:

- (a) a divorce;
- (b) under the *Divorce Act*
 - (i) A parenting order for shared parenting time and decision-making responsibilities for the two children of the marriage as provided in section — of the separation agreement dated —, 20—, a copy of which is attached.
 - (ii) An order for the support of the two children of the marriage under the age of majority, as provided for in section — of the separation agreement dated —, 20—, a copy of which is attached.
- (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, parenting plan, 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.)

6
GROUND

2 There has been a breakdown of the marriage by reason of the fact that the spouses have lived separate and apart since the ... 4th ... day of ... March ..., 2019 ... and are now living separate and apart.

7
RECONCILIATION

3(a) There is no possibility of reconciliation of the spouses.

(b) (Where applicable) The following efforts to reconcile have been made:

8
PARTICULARS OF MARRIAGE

(Attach a marriage certificate or explain its absence.)

4(a) The petitioner and the joint petitioner were married on the ... 14th ... day of ... February ..., 2003 ...
at ... Fredericton, NB ...

(place of marriage)

(b) The petitioner's last name at birth was ... Albert ...

(c) The joint petitioner's last name at birth was ... Cook ...

(d) The petitioner's last name on the day before this marriage (if different than at birth): ... N/A ...

(e) The joint petitioner's last name on the day before this marriage (if different than at birth): ... N/A ...

(f) The petitioner's given names on the day before this marriage: ... Claire Jane ...

(g) The joint petitioner's given names on the day before this marriage: ... Roger John ...

(h) The petitioner's gender on the day before this marriage:

☐ Male ☒ Female ☐ Another Gender

(i) The joint petitioner's gender on the day before this marriage:

☒ Male ☐ Female ☐ Another Gender

(j) The marital status of the petitioner and the joint petitioner on the day before this marriage was:

petitioner ... Single ...

joint petitioner ... Single ...

(k) The petitioner was born on the ... 12th ... day of ... June, 1981 ...

(l) The joint petitioner was born on the ... 9th ... day of ... July, 1980 ...

9
RESIDENCE AND JURISDICTION

5(a) The petitioner resides at ... Fredericton ..., in the Province of ... New Brunswick ...

(b) The joint petitioner resides at ... Fredericton ..., in the Province of ... New Brunswick ...

(c) (Check the appropriate box)

- ☐ The petitioner has been
- ☐ The joint petitioner has been
- ☒ Both the petitioner and the joint petitioner have been

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

CAPACITY**10**

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**11****11a**

7(a) The following are all the living children of the marriage 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
Jeremy Michael Cook	August 19 th 2015	Kindergarten	Shared (Both)
Sara Angela Cook	August 1 st 2017	Kindergarten	Shared (Both)
.....
.....
.....
.....

The children habitually reside in (municipality and province, state or country) Fredericton, NB

11b

(b) The petitioner and the joint petitioner seek a parenting order on consent with respect to 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**

Jeremy Michael Cook	Pursuant to Section _____ of the
Sara Angela Cook	Separation agreement dated
.....	_____, 20____ for which both
.....	parents have shared parenting
.....	time and shared decision-making
.....	responsibility.

11c

(c) The petitioner and the joint petitioner are not seeking a parenting order and

[] are content that a previous parenting order continue in force, or

N/A

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

.....

.....

.....

.....

.....

.....

11d

- (d) The petitioner and the joint petitioner seek an order on consent to have parenting time allocated under a parenting order with respect to 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

Jeremy Michael Cook..... Shared parenting time.....

Sara Angela Cook..... Shared parenting time.....

→ Pursuant to Section _____ of the Separation agreement
dated _____, 20____.

11e

- (e) The following is the existing schedule of parenting time for the spouse who does not have the children living with him or her. *(Give details such as days of the week, hours and location.)*

N/A. (Both parents have shared parenting time pursuant to
Section _____ of the Separation agreement dated _____,
20____, alternating weekly.)

11f

- (f) The above schedule of parenting time is

☒ satisfactory.

[] not satisfactory.

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

N/A

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

The Children have both parents present in their lives.
They have their routine.

11g

(h) The following changes in the circumstances of the spouses are expected to affect the children and the parenting time and decision-making responsibility with respect to the children in the future:

None / Not Applicable

11h

(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)
\$150.00	Monthly	Joint Petitioner	2 Children;
(Based on Shared			Jeremy Michael Cook
parenting time			Sara Angela Cook
and federal Child			
Support Guidelines)			

11i

- (j) The existing support arrangements

☒ are being honoured.
☐ are not being honoured.

11j

(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)
\$150.00	Monthly	Joint Petitioner	2 children;
(Remains the same)			Jeremy Michael Cook
			Sara Angela Cook

11k

→ Pursuant to Section _____ of the separation agreement dated _____, 20____.

- (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)
Dental Care...	\$765.00	Yearly	Both- Pro-rata basis	2 children;
				Jeremy Michael Cook
				Sara Angela Cook

11k.1

- (l) The educational needs of the children

☒ are being met
☐ are not being met.

11l

(If not being met, give particulars.)

OTHER COURT PROCEEDINGS

12

8 If you are applying for a parenting order or an order for child support or spousal support, you will need to tell the court about:

- any criminal or child protection cases or orders that involve you or your spouse, or
- any restraining or protection orders or applications against one of you.

The judge will use this information to help ensure that any orders made under the *Divorce Act* do not conflict with other orders or proceedings.

The following are all other court proceedings involving one or both parties to this proceeding 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.)*

No proceedings. / Not applicable

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

9(a) 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
_____ 20____	Separation agreement concerning decision making responsibilities, parenting time, child support, and division of marital assets.
.....	
.....	

(b) The spouses have agreed to a parenting plan. *(Attach a copy.)*

NO COLLUSION

14

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

DECLARATIONS OF PETITIONER AND JOINT PETITIONER

15

11 The petitioner and the joint petitioner propose that this proceeding be tried at Fredericton, NB.....

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*.

(d) I certify that I am aware of my duties under sections 7.1 to 7.5 of the *Divorce Act*.

Date. July 2nd, 2021 Chaire J. Cook
signature of petitioner

Date. July 2nd, 2021 Roger J. Cook
signature of joint petitioner

STATEMENT OF SOLICITOR FOR PETITIONER

16

(Strike out this paragraph if petitioner has not retained a solicitor.) 13 I, , solicitor
name
for the petitioner, certify to this Court that I have complied with the requirements of section 7.7 of the *Divorce Act*. (Where in the circumstances it would clearly not be appropriate to discuss the matters in subsection 7.7(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

17

Strike out this paragraph if joint petitioner has not retained a solicitor.) 14 I, , solicitor
name
for the joint petitioner, certify to this Court that I have complied with the requirements of section 7.7 of the *Divorce Act*. (Where in the circumstances it would clearly not be appropriate to discuss the matters in subsection 7.7(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; O.C. 2021-62

Annotations– Joint Petition for Divorce (Form 72B)

1. **Court File Number** – Leave this blank. When you file your Petition, the Registrar will assign a file number. You need to put this number on all your Court documents.
2. See Appendix E to choose the Judicial District where you live.
3. Give your full names as they appear on the marriage certificate. You and your spouse are the Petitioner and Joint Petitioner.
4. Leave this blank. When the Registrar receives the Petition for Divorce, the Registrar will add the full date.
5. **Claim** – Make your claim very clear. With a Joint Petition for divorce, you can ask only for a divorce and for relief, agreed to by both parties, to be granted by an order or by consent. If you would like to have provisions of a separation agreement included, refer specifically to the provisions. Attach a copy of the separation agreement to the Petition for Divorce. If you are requesting a division of marital property, you should seek legal advice. If you and your spouse agree on a division of property, write what you have agreed to in this space. After a divorce, if you wish to make and application for marital property division, you must do so within 60 days after the divorce takes effect, except in special circumstances.
6. **Grounds** – Fill this section by stating when the spouses started living “separate and apart”.
7. **Reconciliation** – If you and your spouse did not try to reconcile, strike out paragraph (b). If you did try to reconcile, write out what efforts you made.
8. **Particulars of Marriage** – Attach the original marriage certificate. Make sure that the information in the Petition for divorce is the same as the information on the marriage certificate.
9. **Residence and jurisdiction** – Residence means the place where you are now living. Under the *Divorce Act*, you or the Joint Petitioner must live in a province for at least one year before the Joint Petition is filed.
10. Do not cross out or write in this Section. This Section is a requirement under law and cannot be crossed or struck out. Both the Petitioner and the Respondent must be of the full of 19 years (or older) and have capacity. Someone who does not have capacity and has a disability may need to appoint a legal guardian.
11. **Children**
 - (a) Put the required information about your child(ren). If you do not have any children or if the children are grown up and living on their own, you can strike out the entire Section. If you are both seeking a parenting order on consent in regard to your child(ren), you will need to fill this Subsection. If you are not seeking a parenting order, you can strike this subsection.
 - (b) If you are both seeking a parenting order on consent in regard to your child(ren), you will need to fill this Subsection. If you are not seeking a parenting order, you can strike this subsection .
 - (c) Check the box if you are not seeking a parenting order and are content with the previous Court order. If there are currently attempts being made at getting a parenting order in another proceeding, check that proper box and write the details. Strike this subsection if you do not have a parenting order or are not attempting to get one in another proceeding.
 - (d) If you are seeking an order on consent in relation to parenting time, write down the terms of the order you wish to be ordered.

- e) Write down the existing schedule of parenting time for the spouse who does not have the children living with them (whether or not you have a court order/or/a separation agreement). Make sure to include details such as days, place, and length of visits.
 - f) If you are not satisfied with the existing schedule of parenting time, write down what schedule you would like.
 - (g) Give reasons why the parenting order sought is in the best interests of the children.
 - h) If you know of future events that might affect the children or the parenting order, explain in this space. If there are no changes expected, you can write N/A.
 - (i) Write the existing child support arrangements.
 - j) Check whether the current payment arrangement is being honoured. If it is not, explain in this space how much has been left unpaid and how long it has been unpaid. If you have an agreement regarding the outstanding balance, write it here and make sure it is included in paragraph 1(b).
 - k) Write the proposed support arrangements for your child(ren). This amount must also match the request made in paragraph 1(b).
 - (k.1) Write the nature and the amount of special expenses in regard to your child(ren). Special expenses refer to the childcare, medical care, educational costs, post-secondary education or extracurricular activities. If there are no claims for special expenses, you can strike this subsection. When special expenses are shared “pro-rata”, it means they will be shared in proportion to the parents’ incomes.
 - (l) Check if the existing educational needs of the children are met. If they are not being met, give details as to why.
12. **Other Court Proceedings** – If there are any other Court proceedings involving you and the Respondent, you need to mention these. If there are no other court proceedings, you can strike this Subsection.
13. **Domestic Contracts, Separation agreements** –
- (a) Write the particulars of your domestic contracts or separation agreement. If you have no agreement, you can strike the full Section or write N/A.
 - (b) Attach a copy of your separation agreement and/or a parenting plan if you have one.
14. **No Collusion** – Leave this Section indicating that there has been no collusion in relation to this proceeding, do not cross it out. There cannot have been any collusion between the parties in relation to this divorce proceeding. Collusion here means an agreement or conspiracy that you as the Applicant are a part of, either directly or indirectly, for the purpose of subverting the administration of justice. This includes any agreement, understanding, or arrangement to fabricate or suppress evidence or to deceive the Court, but does not include an agreement that only provides for separation between the parties, financial support, division of property, or the parenting of any child of the marriage.
15. **Declarations of Petitioner and Joint Petitioner** – You need to confirm that you have read and understand this Document; and that you both have the right to seek independent legal advice concerning this procedure and that you are allowed to retain your own separate counsel. That no application for a division of marital property under the *Marital Property Act* shall be made later than 60 days after divorce takes effect except under circumstances found under Subsection 3(4) of the said *Marital Property Act*. You also need acknowledge your duties under Sections 7.1 to 7.5 of the *Divorce Act*. See the next page for more information.

*Marital Property Act***Marital Property Act**

3(4) The Court may extend the limitation period by such length of time and on such terms as it considers just, if a person is prevented from making an application within the limitation period fixed in subsection (2) by

- (a) lack of knowledge of the granting of a divorce or a declaration of nullity, or of the date of it, or
- (b) circumstances reasonably beyond his or her control.

Duties under the *Divorce Act* of Parties to a Proceeding**Best interests of child**

7.1 A person to whom parenting time or decision-making responsibility has been allocated in respect of a child of the marriage or who has contact with that child under a contact order shall exercise that time, responsibility or contact in a manner that is consistent with the best interests of the child.

Protection of children from conflict

7.2 A party to a proceeding under this Act shall, to the best of their ability, protect any child of the marriage from conflict arising from the proceeding.

Family dispute resolution process

7.3 To the extent that it is appropriate to do so, the parties to a proceeding shall try to resolve the matters that may be the subject of an order under this Act through a family dispute resolution process.

Complete, accurate and up-to-date information

7.4 A party to a proceeding under this Act or a person who is subject to an order made under this Act shall provide complete, accurate and up-to-date information if required to do so under this Act.

Duty to comply with orders

7.5 For greater certainty, a person who is subject to an order made under this Act shall comply with the order until it is no longer in effect.

16. **Statement of Solicitor for Petitioner** – If the Petitioner does not have a lawyer, they can leave a blank or strike that Section of the Form

17. **Statement of Solicitor for Joint Petitioner** – If the Joint Petitioner does not have a lawyer, they can leave a blank or strike that Section of the Form.

**APPENDIX OF FORMS
FORM 81A**

APPLICATION

Claim No. _____

IN THE COURT OF KING'S BENCH
OF NEW BRUNSWICK
FAMILY DIVISION
JUDICIAL DISTRICT OF .. Saint John ..

BETWEEN:

Marie Jane Smith
Applicant(s)

and

Robert John Smith
Respondent(s)

**APPLICATION
(FORM 81A)**

Applicant

Address for service: 123 Main St.
(street and number)

Saint John NB E2L 1B5
(city, town, village) (province) (postal code)

E-mail address (if any): marie123@hotmail.com

Telephone number: (506) 634-0000 (work)
(506) 100-6340 (home)

Fax number (if any): _____

Solicitor for applicant

Name of solicitor for applicant: N/A

Name of solicitor's firm (if applicable): _____

Address for service: _____
(street and number)

(city, town, village) (province) (postal code)

E-mail address (if any): _____

Telephone number: _____

Fax number (if any): _____

**FORMULAIRE
FORMULE 81A**

REQUÊTE

N° du dossier _____

COUR DU BANC DU ROI DU
NOUVEAU-BRUNSWICK
DIVISION DE LA FAMILLE
CIRCONSCRIPTION JUDICIAIRE DE

ENTRE :

requérant(s)

et

intimé(s)

**REQUÊTE
(FORMULE 81A)**

Requérant

Adresse aux fins de signification : _____
(numéro et rue)

(cité, ville, village) (province) (code postal)

Adresse électronique (le cas échéant) : _____

Numéro de téléphone : _____ (travail)
_____ (domicile)

Numéro de télécopieur (le cas échéant) : _____

Avocat du requérant

Nom de l'avocat du requérant : _____

Raison sociale (s'il y a lieu) : _____

Adresse aux fins de signification : _____
(numéro et rue)

(cité, ville, village) (province) (code postal)

Adresse électronique (le cas échéant) : _____

Numéro de téléphone : _____

Numéro de télécopieur (le cas échéant) : _____

Respondent

8

Address for service: 57 Lilac St
(street and number)

Saint John NB E2B 5G0
(city, town, village) (province, state, country) (postal code)

E-mail address (if any): robert1234@hotmail.ca

Telephone number: (506) 574-1234 (work)
(506) 897-4567 (home)

Fax number (if any): —

Solicitor for respondent

9

Name of solicitor for respondent: _____

Name of solicitor's firm (if applicable): _____

Address for service: _____
(street and number)

(city, town, village) (province) (postal code)

E-mail address (if any): _____

Telephone number: _____

Fax number (if any): _____

*** NOTE: THIS FORM IS USED FOR THE FOLLOWING KINDS OF SUPPORT:**

(a) CHILD SUPPORT UNDER THE *DIVORCE ACT* OR THE *FAMILY LAW ACT*;

(b) SPOUSAL SUPPORT UNDER THE *DIVORCE ACT*; AND

(c) SUPPORT FOR A DEPENDANT WHO IS NOT A CHILD UNDER THE *FAMILY LAW ACT*.

TO THE RESPONDENT(S):

A COURT PROCEEDING HAS BEEN STARTED AGAINST YOU IN THIS COURT. THE DETAILS ARE SET OUT ON THE ATTACHED PAGES.

Intimé

Adresse aux fins de signification : _____
(numéro et rue)

(cité, ville, village) (province, état, pays) (code postal)

Adresse électronique (le cas échéant) : _____

Numéro de téléphone : _____ (travail)
_____ (domicile)

Numéro de télécopieur (le cas échéant) : _____

Avocat de l'intimé

Nom de l'avocat de l'intimé : _____

Raison sociale (s'il y a lieu) : _____

Adresse aux fins de signification : _____
(numéro et rue)

(cité, ville, village) (province) (code postal)

Adresse électronique (le cas échéant) : _____

Numéro de téléphone : _____

Numéro de télécopieur (le cas échéant) : _____

*** REMARQUE : CETTE FORMULE SERT POUR LES ALIMENTS ÉNUMÉRÉS CI-DESSOUS :**

a) LES ALIMENTS POUR ENFANT QUE PRÉVOIT LA *LOI SUR LE DIVORCE* OU LA *LOI SUR LE DROIT DE LA FAMILLE*;

b) LES ALIMENTS POUR ÉPOUX QUE PRÉVOIT LA *LOI SUR LE DIVORCE*;

c) LES ALIMENTS POUR UNE PERSONNE À CHARGE QUI N'EST PAS UN ENFANT QUE PRÉVOIT LA *LOI SUR LE DROIT DE LA FAMILLE*.

AVIS À L'INTIMÉ OU AUX INTIMÉS :

UNE INSTANCE A ÉTÉ INTRODUITE CONTRE VOUS DEVANT LA PRÉSENTE COUR. LES PRÉCISIONS À CE SUJET FIGURENT SUR LES PAGES CI-JOINTES.

IF YOU WANT TO OPPOSE ANY CLAIM IN THIS PROCEEDING, you or your solicitor must prepare an Answer (Form 81C - a blank copy should be attached). **YOU HAVE ONLY 20 DAYS AFTER THIS APPLICATION IS SERVED ON YOU (40 DAYS IF THIS APPLICATION IS SERVED ON YOU OUTSIDE CANADA) TO FILE AN ANSWER. IF YOU DO NOT, THE PROCEEDING WILL GO AHEAD WITHOUT YOU AND THE COURT MAY MAKE AN ORDER AND ENFORCE IT AGAINST YOU.**

SI VOUS SOUHAITEZ CONTESTER TOUTE DEMANDE DANS CETTE INSTANCE, vous ou votre avocat devez préparer une réponse (formule 81C – un exemplaire en blanc devrait être joint). **VOUS NE DISPOSEZ QUE DE 20 JOURS APRÈS AVOIR REÇU SIGNIFICATION DE LA PRÉSENTE REQUÊTE (40 JOURS SI VOUS EN AVEZ REÇU SIGNIFICATION À L'EXTÉRIEUR DU CANADA) POUR DÉPOSER UNE RÉPONSE. SI VOUS NE LE FAITES PAS, L'INSTANCE SE POURSUIVRA SANS VOUS ET LA COUR POURRA RENDRE UNE ORDONNANCE ET L'EXÉCUTER CONTRE VOUS.**

Check the box if the following paragraph applies to your proceeding.

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☒ This proceeding includes a claim for support, property or exclusive possession of the marital home and the household goods. You **MUST** fill out a Financial Statement (Form 72J - a blank copy is attached), serve a copy on the applicant(s) and file a copy in the court office with an Affidavit of Service (Form 18B) even if you do not answer this proceeding.

Cochez la case si le paragraphe ci-dessous s'applique à votre instance.

☐ Cette instance comprend une demande d'aliments, une demande portant sur des biens ou une demande de possession exclusive du foyer matrimonial et des objets ménagers. Vous **DEVEZ** remplir un état financier (formule 72J – un exemplaire en blanc est joint), en signifier une copie au(x) requérant(s) puis en déposer une copie au greffe, accompagnée d'un affidavit de signification (formule 18B), même si vous ne présentez pas de réponse dans cette instance.

IF YOU WANT TO MAKE A CLAIM OF YOUR OWN, you or your solicitor must fill out the claim portion in the Answer, serve a copy on the applicant(s) and file a copy in the court office with an Affidavit of Service (Form 18B).

SI VOUS SOUHAITEZ PRÉSENTER VOTRE PROPRE DEMANDE, vous ou votre avocat devez remplir la partie réservée à la demande dans la réponse, en signifier une copie au(x) requérant(s) puis en déposer une copie au greffe, accompagnée d'un affidavit de signification (formule 18B).

YOU SHOULD GET LEGAL ADVICE ABOUT THIS PROCEEDING RIGHT AWAY.

VOUS DEVRIEZ OBTENIR DES CONSEILS JURIDIQUES AU SUJET DE CETTE INSTANCE IMMÉDIATEMENT.

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You are advised that:

(a) you are entitled to issue documents and present evidence in the proceeding in English or French or both;

(b) the applicant intends to proceed in the English language;

(c) you must indicate in your Answer the language in which you intend to proceed; and

Sachez que :

a) dans la présente instance, vous avez le droit de produire des documents et de présenter votre preuve en français, en anglais ou dans les deux langues;

b) le requérant entend employer la langue _____;

c) vous devez indiquer dans votre réponse la langue que vous entendez employer;

(d) if you intend to proceed in or present evidence in the other official language, an interpreter may be required and you must so advise the administrator at least 7 days before the hearing.

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THIS NOTICE is signed and sealed for the Court of King's Bench by _____, Administrator of the Court, at _____, on the _____ day of _____, 20____.

(administrator)

Court
Seal

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The address of the court is:

Telephone: _____

d) si vous entendez employer l'autre langue officielle ou présenter votre preuve dans cette autre langue, les services d'un interprète pourront être requis et vous devrez en aviser l'administrateur au moins 7 jours avant l'audience.

CET AVIS est signé et scellé pour le compte de la Cour du Banc du Roi par _____ administrateur de la cour à _____, le _____ 20____.

(administrateur)

Sceau de
la Cour

L'adresse de la cour est la suivante :

Téléphone : _____

FAMILY HISTORY

APPLICANT:

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Age: 35
Birth date: (day, month, year) 03.04.1986

Resident in (city/town/village and province)
Saint John
since (date) June 2011

Gender on the day before this marriage:
☐ Male ☒ Female ☐ Another Gender

Last name at birth: Doe

Last name on the day before this marriage (if different than at birth): N/A

Given name(s) on the day before this marriage:

Marie Jane

Marital status on the day before this marriage:

Single

ANTÉCÉDENTS FAMILIAUX

REQUÉRANT :

Âge : _____
Date de naissance (jour, mois, année) : _____

Domicilié à (cité, ville, village et province)

depuis (date) _____

Genre à la veille du mariage:
☐ Masculin ☐ Féminin ☐ Autre genre

Nom de famille à la naissance : _____

Nom de famille à la veille du mariage (si différent de celui à la naissance) : _____

Prénom(s) à la veille du mariage :

État matrimonial à la veille du mariage :

Divorced before?

☒ No☐ Yes (place and date of previous divorce)**RESPONDENT:** 15Age: 38Birth date: (day, month, year) 07.06.1983

Resident in (city/town/village and province/state/country)

Saint Johnsince (date) June 2004

Gender on the day before this marriage:

☒ Male ☐ Female ☐ Another GenderLast name at birth: SmithLast name on the day before this marriage (if different than at birth): NIA

Given name(s) on the day before this marriage:

Robert John

Marital status on the day before this marriage:

Single

Divorced before?

☒ No☐ Yes (place and date of previous divorce)**RELATIONSHIP DATES:** 16☒ Married on (date) May 12th, 2017☒ Separated on (date) January 29th, 2019☒ Started living together
on (date) November 1st, 2008☐ Never lived together☐ Still living together

Déjà divorcé?

☐ Non☐ Oui (lieu et date du divorce précédent)**INTIMÉ :**

Âge : _____

Date de naissance (jour, mois, année) : _____

Domicilié à (cité, ville, village et province, état, pays)

depuis (date) _____

Genre à la veille du mariage:

☐ Masculin ☐ Féminin ☐ Autre genre

Nom de famille à la naissance : _____

Nom de famille à la veille du mariage (si différent de celui à la naissance) : _____

Prénom(s) à la veille du mariage :

État matrimonial à la veille du mariage :

Déjà divorcé?

☐ Non☐ Oui (lieu et date du divorce précédent)**LIEN AVEC L'AUTRE PARTIE :**☐ Nous nous sommes mariés le (date) _____.☐ Nous nous sommes séparés le (date) _____.☐ Nous avons commencé à vivre ensemble
le (date) _____.☐ Nous n'avons jamais vécu ensemble.☐ Nous vivons toujours ensemble.

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THE CHILD(REN)

List all children involved in this case, even if no claim is made for these children.

Full legal name	Age	Birth Date (day, month, year)	Resident in (city/town/ village and province)	Now Living With (name of person and relationship to child)
Anne Jane Smith	11	02/05/2010	Saint John, NB	Marrie Smith-Mother
Michael John Smith	8	01/07/2011	Saint John, NB	Marrie Smith-Mother

ENFANT(S) :

Énumérez tous les enfants concernés dans cette instance, même si aucune demande n'est présentée à leur égard.

Nom et prénom officiels	Âge	Date de naissance (jour, mois, année)	Domicilié à (cité, ville, village et province)	Habite actuellement avec (nom de la personne et lien de parenté avec l'enfant)

PREVIOUS PROCEEDINGS OR AGREEMENTS

Have the parties or the children been in a court proceeding before?

☒ No ☐ Yes

Have the parties made a written agreement dealing with any matter involved in this proceeding?

☐ No ☒ Yes (Give date of agreement. Indicate which of its terms are in dispute. Attach an additional page if you need more space.) → see attached page

Have the parties agreed to a parenting plan?

☐ No ☒ Yes (Attach a copy.)

OTHER COURT PROCEEDINGS

If you are applying for a parenting order, a contact order or an order for child support, spousal support or support for a dependant who is not a child, you will need to tell the court about:

- any criminal or child protection cases or orders that involve you or the other party to the proceeding, or
- any restraining or protection orders or applications against one of you.

The judge will use this information to help ensure that any orders made in this court proceeding do not conflict with other orders or proceedings.

The following are all other court proceedings involving one or both parties to this proceeding or any of the

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INSTANCES OU ACCORDS ANTÉRIEURS

Les parties ou les enfants ont-ils déjà pris part à une instance?

☐ Non ☐ Oui

Les parties ont-elles conclu un accord écrit au sujet d'une question en litige dans cette instance?

☐ Non ☐ Oui (Indiquez la date de l'accord et les conditions de celui-ci qui sont en litige. Joignez des pages supplémentaires au besoin.)

Les parties ont-elles convenu d'un plan parental?

☐ Non ☐ Oui (Annexez une copie.)

AUTRES INSTANCES JUDICIAIRES

Si vous demandez une ordonnance parentale, une ordonnance de contact ou une ordonnance alimentaire au profit d'un enfant, d'un époux ou d'une personne à charge qui n'est pas un enfant, vous devrez mentionner à la cour :

- toute affaire ou ordonnance pénale ou de protection de l'enfance vous concernant ou concernant l'autre partie à l'instance;
- toute ordonnance ou demande d'interdiction ou de protection contre l'un ou l'autre d'entre vous.

Le juge utilisera ces renseignements pour s'assurer que toute ordonnance rendue en vertu de cette instance n'est pas en conflit avec d'autres ordonnances ou instances.

Toutes les instances judiciaires impliquant une ou les deux parties à cette instance ou les enfants sont les

000

Have the parties made a written agreement with any matter involved in this proceeding?

☐ NO ☒ Yes

A Separation agreement dated February 28th, 2019. The parties agreed that the Applicant shall have decision-making responsibility and the Respondent shall have parenting time as outlined in the agreement and pay child support of \$520.00 per month pursuant to sections — and — of the Separation agreement. This agreement is now in effect and the Respondent has no arrears.

A copy is attached.

children: (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.)

N/A

suivantes : (Donnez le nom de la cour, le numéro du dossier, le genre d'ordonnance demandée et l'ordonnance rendue par la cour, s'il y a lieu. Si l'instance n'a pas été menée à conclusion, dites à quelle étape elle se trouve.)

CLAIM BY APPLICANT

DEMANDE DU REQUÉRANT

I ASK THE COURT FOR THE FOLLOWING:
(Claims below include claims for interim orders.)

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JE DEMANDE À LA COUR CE QUI SUIT :
(Les demandes ci-dessous comprennent les demandes d'ordonnances provisoires.)

Claims under the Divorce Act (Check boxes in this column only if you are asking for a divorce.)	Claims under the Family Law Act	Claims relating to property under the Marital Property Act
<input checked="" type="checkbox"/> a divorce <input type="checkbox"/> support for me <input checked="" type="checkbox"/> support for the child(ren) – table amount <input type="checkbox"/> support for the child(ren) – other than table amount <input checked="" type="checkbox"/> parenting time in respect of child(ren) <input checked="" type="checkbox"/> decision-making responsibility in respect of child(ren)	<input type="checkbox"/> support for me <input type="checkbox"/> support for the child(ren) – table amount <input type="checkbox"/> support for the child(ren) – other than table amount <input type="checkbox"/> parenting time in respect of child(ren) <input type="checkbox"/> decision-making responsibility in respect of child(ren) <input type="checkbox"/> restraining/non-harassment order <input type="checkbox"/> exclusive possession of marital home <input type="checkbox"/> exclusive possession of household goods	<input type="checkbox"/> exclusive possession of marital home <input type="checkbox"/> exclusive possession of household goods <input type="checkbox"/> freezing family assets <input type="checkbox"/> sale of family assets

Demandes présentées sous le régime de la Loi sur le divorce (Cochez les cases de la présente colonne uniquement si vous demandez un divorce.)	Demandes présentées sous le régime de la Loi sur le droit de la famille	Demandes portant sur des biens présentées sous le régime de la Loi sur les biens matrimoniaux
<input type="checkbox"/> un divorce <input type="checkbox"/> des aliments pour moi-même <input type="checkbox"/> des aliments pour un ou plusieurs enfants (somme figurant dans la table) <input type="checkbox"/> des aliments pour un ou plusieurs enfants (somme autre que celle figurant dans la table) <input type="checkbox"/> du temps parental à l'égard d'un ou de plusieurs enfants <input type="checkbox"/> des responsabilités décisionnelles à l'égard d'un ou de plusieurs enfants	<input type="checkbox"/> des aliments pour moi-même <input type="checkbox"/> des aliments pour un ou plusieurs enfants (somme figurant dans la table) <input type="checkbox"/> des aliments pour un ou plusieurs enfants (somme autre que celle figurant dans la table) <input type="checkbox"/> du temps parental à l'égard d'un ou de plusieurs enfants <input type="checkbox"/> des responsabilités décisionnelles à l'égard d'un ou de plusieurs enfants <input type="checkbox"/> une injonction ou une ordonnance de non-harcèlement <input type="checkbox"/> la possession exclusive du foyer matrimonial <input type="checkbox"/> la possession exclusive des objets ménagers	<input type="checkbox"/> la possession exclusive du foyer matrimonial <input type="checkbox"/> la possession exclusive des objets ménagers <input type="checkbox"/> le gel des actifs familiaux <input type="checkbox"/> la vente des actifs familiaux

Other claims

- ☐ declaration of parentage under the *Family Services Act*
- ☐ costs
- ☐ prejudgment interest

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Autres demandes

- ☐ une déclaration de filiation présentée sous le régime de la *Loi sur les services à la famille*
- ☐ les dépens
- ☐ les intérêts antérieurs au jugement

Give details of the order that you want the court to make. (Include any amounts of support (if known) and the names of the children for whom support, parenting time or decision-making responsibility is claimed.)

→ Please See attached

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IMPORTANT FACTS SUPPORTING MY CLAIM FOR DIVORCE

- ☐ **Separation:** The spouses have lived separate and apart since (date) January 29, 2019 and

☒ have not lived together again since that date in an unsuccessful attempt to reconcile.

☐ have lived together again during the following period(s) in an unsuccessful attempt to reconcile: (Give dates.)

- ☐ **Adultery:** The respondent has committed adultery. (Give details. It is not necessary to name any other person involved but, if you do name the other person, then you must serve this Application on the other person.)

- ☐ **Cruelty:** The respondent has treated the applicant with physical or mental cruelty of such a kind as to make continued cohabitation intolerable. (Give details.)

IMPORTANT FACTS SUPPORTING MY OTHER CLAIM(S)

(Set out below facts supporting your claim(s). Attach an additional page if you need more space.)

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Donnez des précisions au sujet de l'ordonnance que vous demandez à la cour. (Indiquez les montants que vous demandez à titre d'aliments (s'ils sont connus) et les noms des enfants à l'égard desquels vous demandez les aliments, le temps parental ou les responsabilités décisionnelles.)

FAITS IMPORTANTS À L'APPUI DE MA REQUÊTE EN DIVORCE

- ☐ **Séparation :** Les époux sont séparés depuis le (date) _____ et

☐ n'ont pas vécu ensemble depuis cette date dans une vaine tentative de réconciliation.

☐ ont vécu ensemble pendant la ou les périodes suivantes dans une vaine tentative de réconciliation : (Précisez les dates.)

- ☐ **Adultère :** L'intimé a commis l'adultère. (Précisez. Il n'est pas nécessaire de nommer une autre personne, mais si vous le faites, vous devez alors lui signifier la présente requête.)

- ☐ **Cruauté :** L'intimé a fait preuve d'une telle cruauté physique ou mentale à l'égard du requérant que la cohabitation est devenue intolérable. (Précisez.)

FAITS IMPORTANTS À L'APPUI DE MES AUTRES DEMANDES

(Énoncez ci-dessous les faits à l'appui de vos autres demandes. Joignez des pages supplémentaires au besoin.)

ooo

Give details of the order that you want the Court to make (include any amounts of support (if known) and the names of the children for whom support, parenting time, or decision-making responsibility is claimed).

1. The Respondent shall have parenting time;
2. A parenting order for the two children;
 - The Applicant shall have sole decision-making and the majority of parenting time;
3. The Respondent shall pay child support of \$520.00;
4. The Applicant and the Respondent will pay dental care expenses for both children that amount to \$765.00 on a pro rata basis. The children used to go to day care. This is no longer the case. If such cost were to reoccur this special expense would be shared on a pro rata basis.

Put a line through any blank space left on this form. If additional space is needed, extra pages may be attached.

Tracez une ligne en travers de tout espace laissé en blanc sur la présente formule. Au besoin, joignez des pages supplémentaires.

DECLARATION OF APPLICANT

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☒ I certify that I am aware of my duties under

- ☐ section 5 of the *Family Law Act*.
☒ sections 7.1 to 7.5 of the *Divorce Act*.

DÉCLARATION DU REQUÉRANT

☐ J'atteste que je suis conscient des obligations qui me sont imposées en application

- ☐ de l'article 5 de la *Loi sur le droit de la famille*.
☐ des articles 7.1 à 7.5 de la *Loi sur le divorce*.

26

DATED at Saint John, this
24th day of October, 2021.

FAIT à _____, le _____ 20____.

27

Marric Smith
 Signature of Applicant

 Signature du requérant

SOLICITOR'S CERTIFICATE

28

My name is: _____
 and I am the applicant's solicitor in this court proceeding.
 I certify that I have complied with the requirements of
☐ section 6 of the *Family Law Act*.
☐ section 7.7 of the *Divorce Act*.

ATTESTATION DE L'AVOCAT

Je m'appelle _____ et
 je suis l'avocat du requérant dans cette instance. J'atteste
 m'être conformé aux exigences prévues à
☐ l'article 6 de la *Loi sur le droit de la famille*.
☐ l'article 7.7 de la *Loi sur le divorce*.

DATED at _____, this
 _____ day of _____, 20____.

FAIT à _____, le _____ 20____.

 Signature of Solicitor

 Signature de l'avocat

2010-135; 2018-35; 2021-17

2010-135; 2018-35; 2021-17

Annotations– (Form 81A)

1. **Court File Number**- Leave this blank. When you file your Petition, the Registrar will assign a file number. You need to put this number on all your Court documents.
2. You only need to complete one side of this form (either the English or French side.)
3. See Appendix E to choose the Judicial District for your county. Form 81A can only be used in Judicial Districts of Moncton and Saint John.
4. Give your full name as it appears on the marriage certificate. You are the Applicant and the other party is the Respondent.
5. Give the full name of the Respondent as it appears on the marriage certificate. Your spouse is the Respondent.
6. Give the information needed about you.
7. If you do not have a lawyer, you can strike this Subsection or put N/A.
8. Give the known information about the Respondent (address, email, telephone, and fax).
9. If the Respondent has a lawyer, fill in the name and the information. If the Respondent does not have a lawyer, you can strike this Subsection.
10. If you are making a claim for support or regarding property, you must check this box and fill out Form 72J. Note that if there are children of the marriage under the age of 19, it is required that information about arrangements for child support be outlined or requested and that both spouses provide financial information in the form of Form 72J.
11. Write the language (English or French) you prefer to use in the divorce hearing, if there is a hearing.
12. Leave this blank. When the Registrar receives the Petition for Divorce, the Registrar will fill out this Section.
13. Leave this blank. The Registrar will fill out the address and its phone number.
14. **Family History/Applicant** – Give the details of your family history including personal information.
15. **Respondent** – Give the required information about the Respondent.
16. **Relationship Dates** – State the important dates when you got married, separated and started living together and check the boxes linked to those answers.
17. **Children** – Write the required information about your child(ren). If you do not have any child(ren), you can strike this Subsection.
18. **Previous Proceedings or Agreements** – Check the boxes regarding the question asked and give the date of any agreement you made and attach a copy.
19. **Other Court Proceedings** – If there are any other Court proceedings involving you and the Respondent, you need to list them. If there are other court proceedings, you can strike this Subsection or write N/A.

20. **Claim by the Applicant** – Check the Boxes under the Claims under the *Divorce Act* and Claims relating to property under the *Marital Property Act*. Under the Column “claims under the *Family Law Act*”, you may only make a claim for a restraining/non-harassment order as the claims for support and regarding to the child(ren) and the home and goods are contained within “Claims under the *Divorce Act*” and “Claims relating to property under the *Marital Property Act*”.
21. **Other Claims** – You can also make other claims including for Costs. If you wish to make claims under this table, you need to check the specific boxes. If you do not wish to make any “other claims”, you can strike this section.
22. **Give details** – State the precise order you want the Court to make regarding the boxes you checked in the “Claim by Applicant” Section. You are the Applicant and your spouse is the Respondent. Details can include, amounts of support, decision-making responsibility and parenting time of children, etc. Be very specific.
23. **Important Facts Supporting my claim for Divorce** – There are three stated reasons for a marriage breakdown. Check the stated ground and fill the required space. The grounds “have lived separate and apart for at least one year” is most commonly used for uncontested divorces. If you choose “adultery” or “cruelty”, a hearing will likely be scheduled. Under paragraph (b), write down information on the particulars of your marriage breakdown.
24. **Important Facts Supporting my other claims** – Write down any other information pertaining to your other claim(s) (See Point 21). Other claims are: declaration of parentage, costs, and/or prejudgment interest.
25. **Declaration of the Applicant** – You also need to acknowledge your duties under Sections 7.1 to 7.5 of the *Divorce Act*. See more information on the next page.
26. **Dated** – List the city where the form was signed and the date.
27. **Signature** – Do not forget to sign and date this form on the last page (and include your address, telephone number and email address if you have one in the space provided underneath).
28. **Solicitor’s Certificate** – If you do not have lawyer, you can leave a blank or strike out that Section of the Form.

Duties under the *Divorce Act* of Parties to a Divorce Proceeding**Best interests of child**

7.1 A person to whom parenting time or decision-making responsibility has been allocated in respect of a child of the marriage or who has contact with that child under a contact order shall exercise that time, responsibility or contact in a manner that is consistent with the best interests of the child.

Protection of children from conflict

7.2 A party to a proceeding under this Act shall, to the best of their ability, protect any child of the marriage from conflict arising from the proceeding.

Family dispute resolution process

7.3 To the extent that it is appropriate to do so, the parties to a proceeding shall try to resolve the matters that may be the subject of an order under this Act through a family dispute resolution process.

Complete, accurate and up-to-date information

7.4 A party to a proceeding under this Act or a person who is subject to an order made under this Act shall provide complete, accurate and up-to-date information if required to do so under this Act.

Duty to comply with orders

7.5 For greater certainty, a person who is subject to an order made under this Act shall comply with the order until it is no longer in effect.

B.2 To serve

B.2.1. Affidavit of Service by Personal Service

Court File Number **1301-0000**

IN THE COURT OF KING'S BENCH OF NEW BRUNSWICK
FAMILY DIVISION
JUDICIAL DISTRICT OF **FREDERICTON**

BETWEEN:

Marie Smith
Applicant/Petitioner
-and-
Robert Smith
RESPONDENT

AFFIDAVIT OF SERVICE¹ (FORM 18B)

I, **Jane Jones**, of the city of **Fredericton**, in the County of **York**, in the Province of New Brunswick, **teacher**, MAKE OATH AND SAY AS FOLLOWS:

1. On the ____ day of _____, 20____, I served the respondent with a copy of the attached Petition for Divorce (Form 72A), and attached documents marked "A", by leaving a copy with **him** at **57 Lilac Street, Fredericton**, New Brunswick.²
2. I was able to identify the person served by means of the fact that **[I know him/her personally or the Respondent admitted to being Robert Smith, spouse of Marie Smith.]**³ Note: the server must fill in how they identified the respondent, for example by asking to see photo ID such as a driver's license, or by asking the person their name and having them verbally confirm their identity.

SWORN TO BEFORE ME at

_____, in the County of **York**,
in the Province of New Brunswick,
this ____ day of _____, 20_____.

A Commissioner of Oaths⁴
Being a solicitor
or
My appointment expires
(Month Day Year)

Jane Jones

Jane Jones

¹ If you filed a Joint Petition, do not create this form.

² Attach a copy of the Application/Petition and the documents. Mark the copy of the Application/Petition "A". The Commissioner of Oaths should initial beside the "A".

³ The server must fill in the method of identification that they used.

⁴ Print the name of the Commissioner of Oaths under the line.

Sample B.2.2. Affidavit of Service by Registered Mail

Court File Number **1301-0000**

IN THE COURT OF KING'S BENCH OF NEW BRUNSWICK
FAMILY DIVISION
JUDICIAL DISTRICT OF **FREDERICTON**

BETWEEN:

Marie Smith
Applicant/Petitioner
-and-
Robert Smith
RESPONDENT

AFFIDAVIT OF SERVICE⁵ (FORM 18B)

I, **Jane Jones**, of the city of **Fredericton**, in the County of **York**, in the Province of New Brunswick, **teacher**, MAKE OATH AND SAY AS FOLLOWS:

1. On the ____ day of _____, 20____, I served the Respondent with a copy of the attached Petition for Divorce (Form 72A), and attached documents marked "A", by sending a copy of the document **[together with the Acknowledgement of Receipt Card]**⁶ by registered mail addressed to the respondent at **57 Lilac Street, Fredericton**, New Brunswick, **his** last known address.
2. On the ____ day of _____, 20____, **[the attached Acknowledgement of Receipt Card or Post Office receipt]** marked "B" bearing a signature which appears to be the signature of the Respondent was returned to and received by me.⁷

SWORN TO BEFORE ME at

_____, in the County of **York**,
in the Province of New Brunswick,
this ____ day of _____, 20_____.

A Commissioner of Oaths⁸
Being a solicitor
or
My appointment expires
(Month... Day...Year)

Jane Jones

Jane Jones

⁵ If you filed a Joint Petition, do not create this form.

⁶ If you use an Acknowledgement of Receipt Card, you must add what is written in brackets.

⁷ Attach a copy of the Petition for Divorce and mark it "A". Also attach the Respondent's Acknowledgement of Receipt Card or Post Office receipt and mark it "B". The Commissioner of Oaths will initial beside the "A" and "B" on the attached documents.

⁸ Print the name of the Commissioner of Oaths under the line.

Sample B.2.3. Acknowledgement of Receipt Card

Court File Number **1301-0000**

IN THE COURT OF KING'S BENCH OF NEW BRUNSWICK
FAMILY DIVISION
JUDICIAL DISTRICT OF **FREDERICTON**

BETWEEN:

Marie Smith
Applicant/Petitioner
-and-
Robert Smith
RESPONDENT

ACKNOWLEDGEMENT OF RECEIPT CARD (FORM 18A)

TO: **Robert Smith**

You are served by mail with the documents enclosed with this card pursuant to the Rules of Court. You **MUST** complete and sign the acknowledgement below and mail this card within 3 days of the date you receive it or you may have to pay the costs to the Sheriff or some other person serving you personally.

Acknowledgement of Receipt⁹

I hereby acknowledge that on the ____ day of _____, 20____, I received the following documents:

- a) copy of the Application/Petition for Divorce together with attached documents.
- b) Financial Statement (if applicable).

Robert Smith

⁹ Write your full address on the reverse side of the Acknowledgement of Receipt Card before mailing it. Include it in the envelope with the Petition. You should include a stamped, addressed envelope with the Acknowledgment of Receipt Card so the Respondent can mail it back to the Sender.

B.3. Sample Documents for the Trial Record

B.3.1 Sample Documents For The Trial Record

Title of document	Page
B.3.2. Cover Letter to File Trial Record	99
B.3.3. Cover Page for the Trial Record	100
B.3.4. Index for the Trial Record	101
B.3.5. Certificate of Readiness (Form 47B)	102
B.3.6. Request for Divorce (Form 72K)	103
Clearance certificate	N/A
B.2.1: Affidavit of service for personal service (form 18B)	95
OR	
B.2.2: Affidavit of service for registered mail (form 18B)	96
B.2.3: Acknowledgement of receipt card (form 18A)	97
Original Application or Petition:	
B.1.3. Petition for Divorce – Form 72A	52
B.1.4. Joint Petition for Divorce (Form 72B)	70
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Affidavit of Evidence – OBLIGATORY– one of the options below :	
OPTION 1. B.3.8 : Affidavit of Evidence Supporting Joint Petition	106
OPTION 2. B.3.7 : Affidavit of Evidence of the Applicant/Petitioner – Petition by one spouse	104

Be sure to make and keep a copy of all your documents for your own records.

Sample B.3.2. Cover Letter to File Trial Record

2 Poplar Street
Fredericton, NB
E1C 1A1

_____, 20__

Court Administrator
The Court of King's Bench
Family Division
Judicial District of [Fredericton](#)

Re: [Marie Smith and Robert Smith](#)

Court File Number [1301-0000](#)

Please find enclosed the Trial Record in the above-mentioned case, sent to you for the purpose of **assessment of the Request for Divorce**.¹⁰

Yours truly,
Marie Smith
[Marie Smith](#)

Enclosures

¹⁰ If you are proceeding by Court hearing, replace **bold text** by: [setting down for trial](#).

Sample B.3.3. Cover Page for the Trial Record

Court File Number **1301-0000**

IN THE COURT OF KING'S BENCH OF NEW BRUNSWICK
FAMILY DIVISION
Judicial District of **Fredericton**

BETWEEN:¹¹

Marie Smith
Applicant/Petitioner
-and-
Robert Smith
RESPONDENT

TRIAL RECORD

Marie Smith, Applicant/Petitioner
2 Poplar Street
Fredericton, NB
E1C 1A1
Telephone: 888-0000

Robert Smith, Respondent
57 Lilac Street
Fredericton, NB
E1C 3B3
Telephone: 888-5555

¹¹ If you filed a Joint Petition for Divorce, both parties are Petitioners. Wherever "Respondent" is used in an example, change it to "Joint Petitioner".

Use the word **Applicant** instead of **Petitioner** if you are filing in Moncton or Saint John

Sample B.3.4. Index for the Trial Record

Court File Number **1301-0000**

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

BETWEEN:

Marie Smith
Applicant/Petitioner
-and-
Robert Smith
RESPONDENT

INDEX

1. Certificate of Readiness (Form 47B)
2. Request for Divorce (Form 72K)
3. Clearance Certificate
4. Affidavit of Service, with a copy of the Application/Petition attached
5. Original Applicant/Petitioner for Divorce of [Marie Smith]
6. Affidavit(s) of Evidence of the Petitioner(s)

Note: If you choose to proceed via a Court hearing, the Affidavit of Evidence is not required. You need to also include a copy of any other pleading (e.g. Answer, Reply) filed in the proceeding by any of the parties involved in the index.

If you opted for a Court Hearing

About two to four weeks after the Office of the clerk/administrator receives the documents in your Trial Record you will receive a **Notice of Hearing date**. The notice will tell you the date, time, courtroom and the location for the hearing.

If you need to change the Court date, call the Office of the clerk/administrator in your jurisdiction to see if they can change the date. Be sure to give them as much notice as possible.

This step is only for those individuals who must attend a Court Hearing. After you receive the Notice telling you the date of your Court hearing, you must prepare for the hearing.

Sample B.3.5. Certificate of Readiness (Form 47B)

Court File Number **1301-0000**

IN THE COURT OF KING'S BENCH OF NEW BRUNSWICK
FAMILY DIVISION
Judicial District of **Fredericton**

BETWEEN:¹⁴

Marie Smith
Applicant/Petitioner
-and-
Robert Smith
RESPONDENT

CERTIFICATE OF READINESS (for affidavit evidence) (FORM 47B)

I, **Marie Smith**, Applicant/Petitioner, certify that the pleadings are closed and that I am now ready to proceed to trial.¹⁵

Having consulted with the Respondent, I inform the Court that:

- a) we agree that all pre-trial procedures have been completed;
- b) if leave is given to proceed by way of affidavit evidence, no Court time is required.

DATED at **Fredericton**, New Brunswick, this _____ day of _____, 20_____.

Marie Smith
Marie Smith, Applicant/Petitioner

¹⁴ If you filed a Joint Petition for Divorce, both parties are Petitioners. Wherever "Respondent" is used in an example, change it to "Joint Petitioner".

If you filed a Joint Petition for Divorce, state:

¹⁵ "We, _____ and _____, Petitioners, certify that the pleadings are closed and that we are now ready to proceed to trial. We inform the Court that: ..."

Both Petitioners must sign the Certificate of Readiness.

Sample B.3.6. Request for Divorce (Form 72K)

Court File Number **1301-0000**

IN THE COURT OF KING'S BENCH OF NEW BRUNSWICK
FAMILY DIVISION
Judicial District of **Fredericton**

BETWEEN:¹⁶

Marie Smith
Applicant/Petitioner
-and-
Robert Smith
RESPONDENT

REQUEST FOR DIVORCE (FORM 72K)

TO THE ADMINISTRATOR OF THE COURT:

1. I request that this proceeding be considered under rule 72.18 on the basis of affidavit evidence.
2. Service of the Petition for Divorce on the Respondent was effected by **Jane Jones, teacher**, on the _____ day of _____, 20____.
3. The Respondent has not filed an answer.¹⁷
4. The Respondent's¹⁸ address is **57 Lilac Street, Fredericton**, New Brunswick, E1C 3B3.
5. The affidavit evidence to be considered with my Petition for Divorce¹⁹ is attached.
6. The Petitioner's address is **2 Poplar Street, Fredericton, New Brunswick, E1C 1A1**.

DATED at **Fredericton**, New Brunswick, this _____ day of _____, 20____.

Marie Smith

Marie Smith, Petitioner

¹⁶ If you filed a Joint Petition for Divorce, both parties are Petitioners. Wherever "Respondent" is used in an example, change it to "Joint Petitioner".

¹⁷ If you filed a Joint Petition for Divorce, delete #'s 2 and 3.

¹⁸ If you filed a Joint Petition for Divorce, change the word "Respondent's" to "Joint Petitioner's".

¹⁹ If you filed a Joint Petition for Divorce, state that "our Joint Petition for Divorce" is attached.

Sample B.3.7. Affidavit of Evidence – Petition by One Spouse

Court File Number 1301-0000

IN THE COURT OF KING'S BENCH OF NEW BRUNSWICK
FAMILY DIVISION
Judicial District of **Fredericton**

BETWEEN:

Marie Smith

PETITIONER

-and-

Robert Smith

RESPONDENT

AFFIDAVIT

I, **Marie Smith**, of the city of **Fredericton** in the County of **York** and Province of New Brunswick, **waitress**, MAKE OATH AND SAY AS FOLLOWS:

1. I am the Petitioner named in the Petition for Divorce dated the ____ day of _____, 20__.
2. I have been ordinarily resident in New Brunswick for at least one year immediately before the date on which the Petition of Divorce was filed.
3. The Respondent **Robert Smith** is an **electrician** and resides at **57 Lilac Street** in the city of **Fredericton** in the County of **York** and Province of New Brunswick. This address is known to me **because I contacted the Respondent at this address to discuss matters relating to the children.**
4. There is no possibility of reconciliation of the spouses. **The Respondent and I made an attempt at reconciliation by attending marriage-counselling sessions with _____ of _____ in _____, 20__.** **The attempt at reconciliation was not successful.**
5. I confirm that all the information in the Petition for Divorce is correct.
6. A certificate of marriage is attached to the Petition for Divorce.
7. The Respondent and I separated on the ____ day of _____, 20__ and have remained separate and apart since that day. This separation has resulted in a permanent breakdown of the marriage. On the date of separation and continuously since then it has been the Respondent's and my intention to remain separate and apart.
8. I am not directly or indirectly a party to any agreement or conspiracy for the purpose of subverting the administration of justice, including any agreement, understanding or arrangement to make up or hide evidence or to deceive the Court.
9. **I do not claim spousal support.**
10. There are **two** children of the marriage: **Anne Smith**, born on the ____ day of _____, _____, and **Michel Smith**, born on the ____ day of _____, _____.
11. **The Respondent and I made a separation agreement dated the ____ day of _____, 20__, a copy of which is attached to the Petition for Divorce as Exhibit "A". I ask the Court to include in the Divorce Judgment the following provisions of the agreement:**²⁰

Continued on next page...

Sample B.3.7. Affidavit of Evidence – Petition by One Spouse

Continued...

12. I claim child support in the amount of \$_____ per month for the **two children** of the marriage under the child support guidelines based on the income of the Respondent as set out in the Respondent's Financial Statement and income information. I have no knowledge of any change in circumstances since the Financial Statement and information were filed.
13. **I do not wish to claim a division of property at this time. I am aware that no application for a division of property under the *Marital Property Act* can be made more than 60 days after the divorce takes effect except in the circumstances in subsection 3(4) of the *Marital Property Act*.**
14. **I do not claim costs.**

Sworn/Solemnly Affirmed before me at _____, in the County of **York**, in the Province of New Brunswick, this _____ day of _____, 20_____.

Marie Smith

Marie Smith

A Commissioner of Oaths²¹

Being a solicitor

or

My appointment expires

(Month.... Day.... Year)

²⁰ Attach the agreement and mark it "A". Give the number of the sections that you want to include in the divorce judgment and copy out the exact words from the agreement.

²¹ Print the name of the Commissioner of Oaths under the line.

Sample B.3.8. Affidavit - Supporting Joint Petition

Court File Number 1301-00000

IN THE COURT OF KING'S BENCH OF NEW BRUNSWICK, FAMILY DIVISION
JUDICIAL DISTRICT OF FREDERICTON

BETWEEN:

Claire Jane Cook, Petitioner
-and-
Roger John Cook, Joint Petitioner

AFFIDAVIT

WE, **Claire Jane Cook** of the city of **Fredericton** in the County of **York** and Province of New Brunswick, **caterer**, and **Roger John Cook**, of the city of **Fredericton** in the County of **York** and Province of New Brunswick, **plumber**, MAKE OATH AND SAY AS FOLLOWS:

1. We are the Petitioners named in the Petition for Divorce dated the ____ day of _____, 20__.
2. Both Petitioners have been ordinarily resident in New Brunswick for at least one year immediately before the date on which the Petition for Divorce was filed.²³
3. There is no possibility of reconciliation of the Petitioners. The Petitioners have been living separate and apart since the ____ day of _____, 20__. There has been little contact between the Petitioners since the date of separation.
4. The Petitioners confirm that all the information in the Petition for Divorce is correct.
5. A certificate of marriage is attached to the Petition for Divorce.
6. The Petitioners separated on the ____ day of _____, 20__ and have remained separate and apart since that day. This has resulted in a permanent breakdown of the marriage. On the date of separation and continuously since then it has been the intention of the Petitioners to remain separate and apart.
7. **There are no children of the marriage.**
8. Neither Petitioner is directly or indirectly a party to any agreement or conspiracy for the purpose of subverting the administration of justice, including any agreement, understanding or arrangement to make up or hide evidence or to deceive the Court.
9. **The Petitioners do not wish to claim a division of property at this time. Both Petitioners are aware that no application for a division of property under the *Marital Property Act* can be made more than 60 days after the divorce takes effect except in the circumstances in subsection 3(4) of the *Marital Property Act*.**

SWORN before me at²⁴

_____,
in the County of **York**, the Province of New Brunswick,
this ____ day of _____, 20__.

Roger Cook

Roger Cook

SWORN before me at²⁴

_____,
in the County of **York**, the Province of New Brunswick,
this ____ day of _____, 20__.

Claire Cook

Claire Cook

A Commissioner of Oaths²⁵

Being a solicitor or My appointment expires

(Month....Day....Year)

²³ If you live in different cities, state which one of you is living in the judicial district that you are applying in.

²⁴ If the Affidavit is sworn on different dates/different places, you will need two sets of Commissioners to swear to this Affidavit. ²⁵ Print the name of the Commissioner of Oaths under the line.

Appendix C.

Other Samples you may need

Title of document	Page
C.1. Notice of Discontinuance (Form 25A)	108
C.2. Agreement not to Appeal (Form 72L)	109
C.3. Letter to Request a Certificate of Divorce	110

Sample C.1. Notice of Discontinuance (Form 25A)

Court File Number **1301-00000**

IN THE COURT OF KING'S BENCH OF NEW BRUNSWICK,
FAMILY DIVISION
JUDICIAL DISTRICT OF **FREDERICTON**

BETWEEN :²⁹

Marie Smith

PETITIONER

-and-

Robert Smith

RESPONDENT

NOTICE OF DISCONTINUANCE (FORM 25A)

The Petitioner wholly discontinues this action.

DATED at, this day of 20...

Marie Smith

2 Poplar Street, Fredericton, NB E1C 3B3

²⁹ If you filed a Joint Petition for Divorce, both parties are Petitioners, and both will have to sign the Notice of Discontinuance.
Wherever 'Respondent' is used in an example, change it to 'Joint Petitioner'.

If the Respondent has filed an Answer, the Respondent's written consent is required to discontinue the action.

Sample C.2. Agreement Not to Appeal (Form 72L)

Court File Number **1301-00000**

IN THE COURT OF KING'S BENCH OF NEW BRUNSWICK
FAMILY DIVISION
Judicial District of **Fredericton**

BETWEEN:²²

Marie Smith

PETITIONER

-and-

Robert Smith

RESPONDENT

AGREEMENT NOT TO APPEAL (FORM 72L)

We hereby agree and undertake that no appeal will be taken from the judgment granting a divorce in this proceeding.

DATED at, this day of 20.....

Marie Smith

Marie Smith

Robert Smith

Robert Smith

²² If you filed a Joint Petition for Divorce, both parties are Petitioners. Wherever "Respondent" is used in an example, change it to "Joint Petitioner".

This form is only required if you have requested the divorce to take effect immediately and you have explained the special circumstances that justify an earlier effective date.

Sample C.3. Letter to Request a Certificate of Divorce

2 Poplar Street
Fredericton, NB
E1C 1A1

_____, 20____

Deputy Registrar, Court of King's Bench
Room 202, Justice Building
P.O. Box 6000
Fredericton NB E3B 5H1
(or if hand-delivered – Justice Building, 427 Queen Street, Room 202)

Re: **Marie Smith** and **Robert Smith**
Court File Number **1301-00000**

Dear Sir or Madam:

You will find enclosed a certified cheque [or money order] in the amount of \$7 to cover the fee for a Certificate of Divorce in the divorce proceedings of **Marie Smith** and **Robert Smith**, Court file number **1301-00000**.

Please send the Certificate of Divorce to me at the above address.

My telephone number is _____, if you need to reach me.

Yours truly,
Marie Smith
Marie Smith

Enclosures

Appendix D: Getting a Copy of Your Marriage Certificate

If you were married in another Canadian province or territory and do not have an original marriage certificate, you must get it from that province. The address of each provincial authority is set out below. You can go online and download a marriage certificate application form or call the number. Mention that it is for a divorce proceeding. There may be specific requirements.

New Brunswick Service New Brunswick, Vital Statistics P.O. Box 1998, Fredericton, NB E3B 5G4 Tel.: (506) 453-2385 Fax: (506) 444-4139	Alberta Vital Statistics 10365-97 Street, Box 2023, Edmonton, AB T5J 4W7 Tel.: (780) 427-7013 Fax: (780) 422-9117
British Columbia Division of Vital Statistics, Ministry of Health Planning P.O. Box 9657, Stn. Prov. Govt, Victoria, BC V8W 9P3 Tel.: (250) 952-2681 Fax: (250) 952-2527	Manitoba Vital Statistics Agency 254 Portage Avenue, Winnipeg, MB R3C 0B6 Tel.: (204) 945-3701 Fax: (204) 948-3128
Newfoundland Vital Statistics Division / Department of Government Services 5 Mews Place, P.O. Box 8700, St. John's NFLD A1B 4J6 Tel.: (709) 729-3308 Fax: (709) 729-0946	Nova Scotia Service Nova Scotia and Municipal Relations Services P.O. Box 157 Halifax, NS B3J 2M9 Tel.: (902) 424-4381 Fax: (902) 424-0678
Northwest Territories Vital Statistics 107 MacKenzie Road, Room 205 Bag 9, Govt. of the NWT, Inuvik, NWT X0E 0T0 Tel.: (867) 777-7422 or 777-4000 Fax: (867) 777-3197	Nunavut Vital Statistics Bag #3, Health and Social Services Rankin Inlet, Nunavut X0C 0G0 Tel.: (867) 645-5002 Fax: (867) 645-2997
Ontario Vital Statistics / Office of the Registrar General P.O. Box 4600, 189 Red River Road Thunder Bay, ON P7B 6L8 Tel.: (416) 325-8305 / 1-800-567-3900 Fax: (807) 343-7459	Prince Edward Island Vital Statistics / Department of Health & Social Services P.O. Box 3000, 35 Douses Road, Montague, PEI C0A 1R0 Tel.: (902) 838- 0880 Fax: (902) 838-0883
Quebec Le Directeur de l'état civil 2535 boulevard Laurier, Sainte-Foy, PQ G1V 5C5 Tel.: (418) 643-3900 Fax: (418) 646-3255	Saskatchewan Customer Support - Vital Statistics Information Services Corporation 1301 1st Ave, Regina, SASK S4R 8H2 Tel.: (306) 787-3092 Fax: (306) 787-2288
Yukon Vital Statistics Agency Health and Social Services P.O. Box 2703, Whitehorse, YUKON Y1A 2C6 Tel.: (867) 667-5207 Fax: (867) 393-6486	People married outside Canada: If you were married outside Canada, the marriage certificate must be in English or French or there must be a certified translation provided.

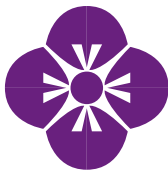
Appendix E: Judicial Districts in New Brunswick

Bathurst Court of King's Bench, Family Division P.O. Box 5001, 254 St. Patrick Street Bathurst, NB E2A 3Z9 Court Office: (506) 547-2150	Judicial District of Bathurst includes: Gloucester County
Campbellton Court of King's Bench, Family Division P.O. Box 5001, 157 Water Street Campbellton, NB E3N 3H5 Court Office: (506) 789-2364	Judicial District of Campbellton includes: Restigouche County
Edmundston Court of King's Bench, Family Division P.O. Box 5001, 121 Rue de l'Église Edmundston, NB E3V 3L3 Court Office: (506) 735-2029	Judicial District of Edmundston includes: Madawaska County, the Parish of Drummond and the Town of Grand Falls of Victoria County
Fredericton Court of King's Bench, Family Division P.O. Box 6000, 427 Queen Street Fredericton, NB E3B 5H1 Court Office: (506) 453-2015	Judicial District of Fredericton includes: York County, Sunbury County and Queens County
Miramichi Court of King's Bench, Family Division 673 King George Highway Miramichi, NB E1V 1N6 Court Office: (506) 627-4023	Judicial District of Miramichi includes: Northumberland County
Moncton Court of King's Bench, Family Division P.O. Box 5001, 770 Main Street Moncton, NB E1C 8R3 Court Office: (506) 856-2304	Judicial District of Moncton includes: Albert County, Kent County and Westmorland County
Saint John Court of King's Bench, Family Division P.O. Box 5001, 10 Peel Plaza Saint John, NB E2L 3G6 Court Office: (506) 658-2400	Judicial District of Saint John includes: Charlotte County, Saint John County and Kings County
Woodstock Court of King's Bench, Family Division P.O. Box 5001, 689 Main Street Woodstock, NB E7M 5C6 Court Office: (506) 325-4414	Judicial District of Woodstock includes: Carleton County and Victoria County except the Parish of Drummond and the town of Grand Falls (see Edmundston)

Appendix F: Useful Family Law Publications

Stay informed. PLEIS-NB can provide you with other information about family law. For copies of these publications, contact PLEIS-NB at the address below.

- [Marital Property in New Brunswick](#)
- [Parenting After Separation](#) (*free*)
- [Parent Information Program](#) (*free*)
A free information program for parents living separately – Contact our toll-free line at 1-888-281-8081 during weekdays or email PIP@gnb.ca.
- [Support Enforcement](#)
- [Parenting: Rights and Responsibilities of young parents](#) (*free*)
- [Spousal Support](#) (*free*)
- [When Couples Separate - Rights and Responsibilities](#) (*free*)
- [Applying for a Parenting Order](#)
- [New Brunswick Child Support Variation Kit](#) (*free 1 copy*) A kit for parents with an existing child support order, who wish to vary support because of substantial change in circumstances.
- [Financial Statement and Income Information](#) (*free*)
Explains income information and how to complete a Financial Statement (Form 72J).



Public Legal Education and Information Service of New Brunswick

P.O. Box 6000
Fredericton, NB E3B 5H1
Telephone: (506) 453-5369
Fax: (506) 462-5193
Email: pleisnb@web.ca
www.legal-info-legale.nb.ca

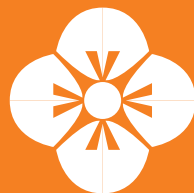
If you have questions or need more information, call the toll-free Family Law Information Line at 1-888-236-2444 or visit www.familylawnb.ca

Your comments on this guide or the divorcing process are welcome.
PLEIS-NB is continually revising this guide.
Please contact us:



**Public Legal Education
and Information Service
of New Brunswick**

**P.O. Box 6000,
Fredericton NB E3B 5H1
Tel. (506) 453-5369
Fax: (506) 453-5369
Email: pleisnb@web.ca
www.legal-info-legale.nb.ca**



**Public Legal Education
and Information Service
of New Brunswick**