

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

? **JUDICIAL DISTRICT OF _____**

PETITIONER

-and-

?

JOINT PETITIONER

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

?

Deputy Registrar

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

(Strike out portions that are not applicable.)

? **CLAIM**

1 The petitioner and joint petitioner jointly seek:

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

- ? (c) under the *Marital Property Act*
 - (i)
 - (ii)
 - (iii)

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

? **FOUNDATIONS**

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



RECONCILIATION

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

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



PARTICULARS OF MARRIAGE

(Attach a marriage certificate or explain its absence.)

4 (a) The petitioner and the joint petitioner were married on the _____ day of _____,
at _____.
(place of marriage)

(b) The petitioner's surname at birth was _____.

(c) The joint petitioner's surname at birth was _____.

(d) The marital status of the petitioner and the joint petitioner at the time of the marriage was:
petitioner _____, joint petitioner _____.

(e) The petitioner was born on the _____ day of _____.

(f) The joint petitioner was born on the _____ day of _____.



RESIDENCE AND JURISDICTION

5 (a) The petitioner resides at _____, in the Province of _____.

(b) The joint petitioner resides at _____, in the Province of _____.

(c) (Check the appropriate box)

The petitioner has been

The joint petitioner has been

Both the petitioner and the joint petitioner have been

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

CAPACITY

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



CHILDREN

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

Full name	Birth date	School and grade or year	Person(s) with whom child lives and length of time child has lived there
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The children ordinarily reside in *(municipality and province, state or country)*

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

Name of child	Terms of the order
<hr/>	<hr/>

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

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

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

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

Name of child	Terms of the order
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

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

(f) The above access (visiting arrangement) is

satisfactory

not satisfactory

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

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

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

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



Amount Paid	Time period (weekly, monthly, etc)	Paid by (petitioner or joint petitioner)	Paid for (name of child)
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(j) The existing support arrangements

- are being honoured
- are not being honoured

(If not being honoured, specify how much is unpaid and for how long. If you are agreed 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)	Paid by (petitioner or joint petitioner)	Paid for (name of child)
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(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)
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(l) The educational needs of the children

- are being met
- are not being met.

(If not being met, give particulars.)

End Notes – Joint Petition for Divorce (Form 72B)

1. When you file your petition, the Registrar will assign a file number. You need to put this number on all your court documents.
2. Your judicial district is the place in New Brunswick where either spouse ordinarily resides. There are 8 judicial districts. Choose the judicial district for your county: Court of Queen's Bench, Family Division in – **Bathurst**, P.O. Box 5001, 254 St. Patrick St., Bathurst, N.B. E2A 3Z9 Court Office: 547-2150; **Campbellton**, P.O. Box 5001, 157 Water St., Campbellton, N.B. E3N 3H5 Court office: 789-2364; **Edmundston**, P.O. Box 5001, Rue de L'Eglise, Edmundston, N.B. E3V 3L3 Court office: 735-2029; **Fredericton**, P.O. Box 6000, 427 Queen St., Fredericton, N.B. E3B 5H1 Court office: 453-2015; **Miramichi**, Court of Queen's Bench, Family Division, 673 King George Highway, Miramichi, N.B. E1V 1N6 Court office: 627-4023; **Moncton**, P.O. Box 5001, 770 Main St., Moncton, N.B. E1C 8R9 Court office: 856-2304; **Saint John**, P.O. Box 5001, 110 Charlotte St., Saint John, N.B. E2L 4Y9 Court office: 658-2560; **Woodstock**, P.O. Box 5001, 689 Main St., Woodstock, N.B. E7M 5C6 Court office: 325-4414.
3. Give your full names as they appear on the marriage certificate. You and your spouse are the petitioners.
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, you can ask only for a divorce and for relief to be granted by an order on 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.
6. 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 an application for marital property division, you must do so within 60 days of the event, except in special circumstances.**
7. GROUNDS - Although the only ground for divorce is breakdown of the marriage, 97% of New Brunswickers use "separation" as proof. That means they must show that they have lived "separate and apart" for at least one year before the court decision.
8. RECONCILIATION – If you and your spouse did not try to reconcile, cross out paragraph (b). If you did try to reconcile, write out what efforts you made.
9. PARTICULARS OF MARRIAGE – Attach the original or certified copy of your marriage certificate. Make sure that the information in the Petition for Divorce is the same as the information on the marriage certificate.
10. RESIDENCE AND JURISDICTION – Residence means the place where you are now living. Under the *Divorce Act* you or the Joint Petitioner must live in the province for at least one year before the Joint Petition is filed.
11. CHILDREN – You only need to write down the children that are dependants and that you are requesting support for. If you are attaching an order or agreement for support, check whether the agreement proposed in paragraph 7(k) agree with the Child Support guidelines.
Whether or not you are required to file a Financial Statement, it is a good idea to do so. If you have children, it is even better to include a Financial Statement even if you and your spouse have agreed on child support.
12. OTHER COURT PROCEEDINGS – Give the details if you, or your spouse, have started other court proceedings concerning the marriage or the children of the marriage.
13. SEPARATION AGREEMENTS – Give details about any agreements and attach a copy.

14. DECLARATION OF PETITIONERS – Include your full address. It must be a street address. Also include your mailing address if that is different than your street address.
15. Make sure all sections of the petition are completed. Cross out any section that is not relevant.

DO NOT FORGET BOTH OF YOU MUST SIGN AND DATE THIS FORM ON THE LAST PAGE, AND INCLUDE YOUR ADDRESSES IN THE SPACE PROVIDED

** The endnotes on these formatted family law forms were created by Public Legal Education and Information Service of New Brunswick. Financial support for this initiative was provided by Justice Canada. For general information on court procedure, call the toll free family law information line at 1-888-236-2444, or visit the Family Law NB website at www.familylawnb.ca. For advice on your specific situation, please consult a lawyer.**