

Court file No/N° du dossier _____



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



COUR DU BANC DE LA REINE DU
NOUVEAU BRUNSWICK
DIVISION DE LA FAMILLE
CIRCONSCRIPTION JUDICIAIRE
DE _____

BETWEEN:

_____ APPLICANT

AND



_____ RESPONDENT

ENTRE:

_____ REQUÉRANT

ET

_____ INTIMÉ

**NOTICE OF MOTION
(FORM 72U)**

**AVIS DE MOTION
(FORMULE 72U)**



TO : _____

À : _____

The applicant will apply to the court at



on the ____ day of _____ 20 ____
at _____ (a.m. or p.m.) for the
following order:

(Please check the appropriate box or boxes.)

1. Child support for the following children:

interim order *or*

variation (*or* rescission *or* suspension)
of attached order

**Name of child
Nom de l'enfant**

**Age
Âge**



Le requérant demandera à la cour à

le ____ jour de _____ 20 ____
à ____ h __, l'ordonnance qui suit :

(Veuillez cocher la ou les cases appropriées.)

1. Ordonnance alimentaire au profit des
enfants suivants:

ordonnance provisoire *ou*

modification (*ou* abrogation *ou*
suspension) de l'ordonnance annexée

**Date of birth
Date de naissance**

(If claiming special expenses, please specify nature and amount, where possible, of the expense(s) claimed and name of child(ren) for which expense(s) is (are) claimed.)

(Si vous demandez des dépenses spéciales, veuillez en préciser, si possible, la nature et le montant et le nom de l'enfant pour qui ces dépenses sont sollicitées.)

Nature of expense
Nature des dépenses

Amount claimed
Montant sollicité

Name of child
Nom de l'enfant



(State the grounds to be argued including a reference to any statutory provision or rule to be relied on. If claiming an amount that is different from the table amount and is not a special expense, please specify the amount. Please attach an affidavit specifying the reasons upon which you are relying for departure from the table amount.)

(Indiquez les motifs à discuter, y compris les renvois à toute disposition législative ou à toute règle invoquée. Si vous demandez un montant qui diffère du montant figurant à la table, et qui n'est pas une dépense spéciale, veuillez en préciser le montant. Veuillez joindre un affidavit indiquant les raisons sur lesquelles vous vous appuyez pour demander un montant autre que celui qui apparaît à la table.)



Particulars of Previous Order :

Précisions sur l'ordonnance antérieure :

Date of previous order _____

Date de l'ordonnance antérieure _____



Amount paid under previous order _____

Montant payé en vertu de l'ordonnance antérieure _____

2. Custody of the following children:

2. Ordonnance de garde des enfants suivants:

interim order *or*

ordonnance provisoire *ou*

variation (*or* rescission *or* suspension) of attached order

modification (*ou* abrogation *ou* suspension) de l'ordonnance annexée



Name of child
Nom de l'enfant

Age
Âge

Date of birth
Date de naissance



Previous custody arrangement:

Entente de garde antérieure:



Date of previous order:

Date de l'ordonnance antérieure:

3. Other claim (*Please specify. State the relief sought and the grounds to be argued, including a reference to any statutory provision to be relied on.*)

3. Autre demande (*Veillez préciser. Indiquez les mesures de redressement sollicitées et les motifs à discuter y compris les renvois à toute disposition législative invoquée.*)



Upon the hearing of the motion, the following affidavits or other documentary evidence will be presented: (*list the documentary evidence to be used at the hearing of the motion*)

À l'audition de la motion, les affidavits ou les autres preuves littérales suivants seront présentés: (*énumérez les preuves littérales qui seront utilisées lors de l'audition de la motion*)



You are advised that:

Sachez que:

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

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



b) the applicant intends to proceed in the _____ language; and

b) le requérant a l'intention d'utiliser la langue _____; et

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

c) si vous avez l'intention d'utiliser l'autre langue officielle, les services d'un interprète pourront être requis et vous devrez en aviser l'administrateur de la cour au moins 7 jours avant l'audition.



DATED at _____ this ___ day
of _____, 20__.

FAIT à _____ le
_____, 20__.



Applicant/Solicitor for Applicant

Requérant/Avocat du Requérant

END NOTES :

* COMPLETE THIS FORM IN EITHER ENGLISH OR FRENCH *

1. COURT FILE NUMBER – This is the same court file number that appears on the top right hand side of the Court Order you wish to vary. You need to put this number on all your court documents.
2. JUDICIAL DISTRICT – Your judicial district is the place in New Brunswick where either the petitioner or the respondent resides and where you will be filing your Notice of Motion. There are eight judicial districts: Bathurst, Campbellton, Edmundston, Fredericton, Miramichi, Moncton, Woodstock and Saint John. {However, if you are in the Judicial District of Saint John (Counties of Kings, Charlotte and Saint John) you must use different forms because there is a new Family Court Pilot Project which includes the introduction of new family law forms}.
3. If you are filing this motion, you are the applicant. The other parent is the respondent. Type in your name on the applicant's line and the other parent's name on the respondent's line.
4. Fill in the other parent's full name and address.
5. Leave blank spaces for the location and date. The court staff will fill them in.
6. If you do not have an existing order for child support, put an X in the interim order box. If you do have a child support order and want to change it, put an X in the variation box.
7. CHILDREN- You only need to write down the children that are dependants and that you are requesting support for (ie. under 19 years of age, or adult children who are disabled or enrolled in post secondary education).
8. SPECIAL EXPENSES – refers to the childcare, medical care, educational costs, post-secondary education or extracurricular activities. You can use the child support workbook to calculate Special Expenses. You may want to consult a lawyer.
9. GROUNDS – explain what you want and why the Court should grant your request. You may need to refer to the New Brunswick statutes or the Child Support Guidelines.
10. PARTICULARS OF PREVIOUS ORDER – if you have an order already, list the date it was made and any amounts of child support payable under that order.
11. CUSTODY – if you are seeking an **interim** custody order, put an X in the interim order box. If you wish to **change** an existing custody order (variation) put an X in the variation box.

12. Write the name, age and birth date of the child or children for whom you are asking an interim order or variation order.
13. Fill in any previous custody arrangement (if any) and the date of the Court order for custody (if any).
14. OTHER CLAIM – if you seek an order other than custody/access and child support, detail the request in this section. It is highly recommended that you consult a lawyer if you choose to use this section.
15. DOCUMENTARY EVIDENCE – List the documents you intend to use at the hearing of the motion. Normally this will include an affidavit and financial statement (Form 72J) - (both of which must be sworn to before a Commissioner of Oaths).
16. If you intend to proceed in the English language, indicate English here.
17. Fill in the place you live and the date you signed the document.
18. Sign your name on the signature line. Print your name and address under «Applicant». Cross out the words «Solicitor for the applicant» if you are not represented by a lawyer.

** 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. **