

1-4 Always include the court file number, the judicial district, your name and the other parent's name at the beginning of the document.

5. The name of the other parent.

6. Leave these spaces blank for the staff at the court office to fill in.

7. Write down exactly what order you are asking the court to make.

Example of a Notice of Motion (Form 37A)

¹ Court File Number 1301-0000

¹ N° du dossier: 1301-0000

In The Court of Queen's Bench of New Brunswick
Family Division
Judicial District of Fredericton ²

Cour du Banc de la Reine du Nouveau-Brunswick
Division de la Famille
Circonscription Judiciaire de _____

Between:

ENTRE:

Mary Smith, ³ Plaintiff

_____ DEMANDEUR

- and -

-et-

John Smith, ⁴ Respondent

_____ INTIMÉ

NOTICE OF MOTION (FORM 37A)

AVIS DE MOTION (FORMULE 37A)

TO: JOHN SMITH ⁵

À: _____

The plaintiff will apply to the court at _____, ⁶ on the ___ day of _____ 20___, at _____ for an order that: (*state the precise order sought and the grounds to be argued, including a reference to any statutory provision or rule to be relied on*); ⁷

Le demandeur demandera à la cour à _____, le _____, 20___, à _____ h, d'ordonner (*indiquer l'ordonnance demandée, les motifs à discuter et les renvois aux dispositions législatives ou règles qui seront invoquées*);

1. Custody of Kimberly Ann Smith, born March 15, 2001, and David Scott Smith, born January 23, 2003, be granted to Mary Smith, the Applicant, under section 129(2) of the *Family Services Act*; and
2. John Smith, the Respondent, pay support for the children of the marriage, Kimberly Smith and David Smith, under sections 115(1), 112(1) and 113 of the *Family Services Act*,
AND all support payments be indexed to the Cost of Living index
AND these payments be made payable retroactively from a date deemed appropriate by the Court under section 116(1)(i) of the above mentioned Act.
AND all support payments be made payable to the Court of Queen's Bench, Family Division, Fredericton, New Brunswick, under section 116(1)(h) of the above mentioned Act; and
3. The Respondent be required to continue all insurance, health and dental plans to which he may be entitled through his employer for the benefit of his wife, Mary Smith, and for the benefit of the children, Kimberly Smith and David Smith.
4. Costs, and
5. Any other order that the Court considers just.

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)*.⁸

- a) The affidavit of Mary Smith, Plaintiff;
- b) Financial Statement (72J) of Mary Smith, Plaintiff.

You are advised that:

- (a) you are entitled to issue documents and present evidence at the hearing in English or French or both;
- (b) the plaintiff (or as may be) intends to proceed in the English language;⁹ and
- (c) if you intend to proceed in the other official language, an interpreter may be required and you must so advise the clerk at least 7 days before the hearing.

DATED AT _____, ¹⁰ this ___ day
_____ of
_____, 20____. ¹¹

Mary Smith¹³, Plaintiff ¹⁴

A l'audition de la motion, les affidavits ou les autres preuves littérales suivantes seront présentées: *(énumérer les preuves littérales qui seront utilisées lors de l'audition de la requête)*.

Sachez que :

- a) vous avez le droit d'émettre documents et de présenter votre preuve à l'audience en français, en anglais ou dans les deux langues;
- (b) le demandeur (ou selon le cas) a l'intention d'utiliser la langue _____; et
- (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 le greffier au moins 7 jours avant l'audience.

FAIT à _____, this ___ day
_____ of
_____, 20____.

8. The documents that you will use for the court hearing.

9. English or French, the language you will use at the court hearing.

10. The place where you sign the notice of motion.

11. The date (day, month and year) that you sign the notice of motion.

12. Your signature.

13. Your name, typed or clearly printed.

14. If you are making the motion, write "plaintiff" after your name.