

APPENDIX OF FORMS
FORM 72B

JOINT PETITION FOR DIVORCE

Court File Number

1

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

2

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,

4

.....
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 ...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	Kindergarden	Shared (Both)
Sara Angela Cook	August 1 st 2017	Kindergarden	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 Separation agreement dated _____, 20____ for which both parents have shared parenting time and shared decision-making responsibility.
Sara Angela Cook	
.....	
.....	
.....	

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; Jeremy Michael Cook
(Based on shared parenting time and federal child support guidelines)			
			Sara Angela Cook

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:

11k.1

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
.....

(l) The educational needs of the children

are being met
 are not being met.

11l

(If not being met, give particulars.)

.....

12

OTHER COURT PROCEEDINGS

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.)

13 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.

15

DECLARATIONS OF PETITIONER AND JOINT PETITIONER

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 Claire 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.