

IMPORTANT NOTICE REGARDING AMENDED FORMS FOR PRIVATE FAMILY LAW PROCEEDINGS

On March 1, 2021 changes to the federal Divorce Act took effect. The New Brunswick Family Law Act also came into force on March 1, 2021.

The terminology used by the courts in family law matters was required by law to change as of that date. The terms “custody” and “access” have been replaced by terms such as “parenting time” and “decision-making responsibility”, which can be set out in a “Parenting Plan” or in a “Parenting Order”. Other changes have been introduced to deal with change of residence/relocation of parties to a custody/access order; establishment of contact orders, to allow non spouses and non parents to apply for access; new duties for the parties and their lawyers; and the recognition of foreign divorce orders.

Some of the New Brunswick Forms of Court have changed as a result of these changes to the law, including the forms required to start:

1. Divorce Proceedings:

- **Petition for Divorce (Form 72A)**
- **Joint Petition for Divorce (Form 72B), and**
- **Answer and Counter-Petition (Form 72F)**
- **Notice of Motion (Form 72U)**
- **Reply (Form 72V)**
- **Financial Statement (Form 72J)**
- **Application (Form 81A) which is used only in the judicial districts of SAINT JOHN and MONCTON**

2. Other Private Family Law Proceedings:

- **Notice of Application (Form 73A and Form 73AA)**
- **Notice of Claim of Respondent (Form 73D)**
- **Financial Statement (Form 72J)**

3. Jurisdictions with a Family Case Management Model (Moncton and Saint John):

- **Application (Form 81 A)**
- **Application for Contact Order (Form 81AA)**
- **Affidavit in Support of Claim for Parenting Order (Form 81B)**
- **Answer (Form 81C)**
- **Reply (Form 81 D)**
- **Conference Notice (Form 81E)**

- **Motion to Change (Form 81F)**
 - **Change Information Form (Form 81G)**
 - **Response to Motion to Change (Form 81H)**
 - **Consent Motion to Change (Form 81I)**
 - **Consent Motion to Change Child Support (Form 81J)**
 - **Certificate of Solicitor (Form 81K)**
 - **Notice of Motion for Leave to Appeal (Form 81J)**
- Additional information regarding other court proceedings and specific information regarding the parties is required by law to be included in the new forms.

All new family law proceedings must now be filed using the amended forms.

The forms are available in PDF format online on the GNB Department of Justice and Public Safety website: https://www2.gnb.ca/content/gnb/en/departments/public-safety/attorney-general/content/acts_regulations/content/rules_of_court/forms.html or you can google “Rules of the Court Forms Government of New Brunswick”. Copies of the forms are also available at your local Courthouse.

The Public Legal Education and Information Service of New Brunswick (PLEIS-NB) has published a guide to help explain the changes to the legislation on their Family Law NB website. This new booklet replaces the previous PLEIS-NB publication titled “Custody and Access in New Brunswick” that explained the law and rules with the terminology under former versions of the Divorce Act and the former New Brunswick Family Services Act.

The Family Law NB website also has a terminology chart which explains the new terms.

You are encouraged to visit the **PLEIS-NB Family Law Website** or contact the **PLEIS-NB toll-free Family Law Information Line** at **1-888-236-2444**, particularly if you are representing yourself on your private family law proceeding or on your divorce. If you live in Saint John or Moncton, you are encouraged to contact the Family Law Information Centre (“FLIC”) located in the Courthouse. Saint John: (506)658-6361, Moncton: (506) 856-3131.