

Manitoba Divorce Questionnaire & Completion Guide



UntieTheKnot.ca

Quick, Simple and Affordable Divorces

Our divorce service is perfect for couples whose divorce is uncontested and where there are no disputes over financial matters or issues regarding children of the marriage.

Untie the Knot Divorce Service

a division of 0707073 BC Ltd..

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Your completion guide can be found at the end of this questionnaire and contains valuable information to help you complete your questionnaire.

Each question or group of questions in each section of the questionnaire contains line numbers. The information needed at each line number is explained in the completion guide. Using the completion guide to complete your questionnaire will make the process that much easier for you and will eliminate the need for us to contact you with questions.

When completed simply return the Questionnaire by fax, scan and email or regular mail.

Important Note: Questionnaires are reviewed and your divorce documents are prepared shortly after we receive it. If we we have started to prepare your divorce documents, we cannot cancel your request and issue a refund.

Section 1 - Contact Information

Primary Contact Name: 101 _____

Can we leave a message for you at your telephone number?: 102 Yes No

Can we leave a message for you at your alternate telephone number?: Yes No

Do we have your permission to discuss the details of your divorce with your spouse?: 103 Yes No

Section 2 - Information About the Marriage

Place of Marriage: 201 City/Town: _____ Province/State: _____ Country: _____

Date of Marriage: 202 Month: _____ Day: _____ Year: _____

Date of Separation: 203 Month: _____ Day: _____ Year: _____

Do you have a written agreement or court order regarding the marriage?: 204 Yes No

Section 3 - Information About the Spouses

Spouse 1

First Name: 301 _____

Middle Name(s): _____

Last Name: _____

Also Known as: 302 _____

Civic Address: 303 _____

Apt./Suite Number: _____

Apt. Buzzer Code: _____

City/Town: _____

Province/State: _____

Country (if other than Canada or U.S.A.): _____

Postal/Zip Code: _____

Mailing Address: 304 _____

Apt./Suite Number: _____

Apt. Buzzer Code: _____

City/Town: _____

Province/State: _____

Country (if other than Canada or U.S.A.): _____

Postal/Zip Code: _____

Spouse 2

First Name: 301 _____

Middle Name(s): _____

Last Name: _____

Also Known as: 302 _____

Civic Address: 303 _____

Apt./Suite Number: _____

Apt. Buzzer Code: _____

City/Town: _____

Province/State: _____

Country (if other than Canada or U.S.A.): _____

Postal/Zip Code: _____

Mailing Address: 304 _____

Apt./Suite Number: _____

Apt. Buzzer Code: _____

City/Town: _____

Province/State: _____

Country (if other than Canada or U.S.A.): _____

Postal/Zip Code: _____

Section 3 - Information About the Spouses - Continued

Spouse 1

Phone Number: 305 _____

Alternate Phone Number: _____

Email Address: 306 _____

Month of Birth: 307 _____

Day of Birth: _____

Year of Birth: _____

City/Town of Birth: 308 _____

Province/State of Birth: _____

Country of Birth: _____

Manitoba Resident

Since: 309 _____

Last Name Before

Marriage: 310 _____

Full Name at Time of Birth: 311 _____

Marital Status

Before Marriage: 312

 Never Married Divorced Widowed

Certificate of Divorce Required?: 313

(\$75.00 plus G.S.T. and court filing fees - \$98.75 each)

 Yes No**Spouse 2**

Phone Number: 305 _____

Alternate Phone Number: _____

Email Address: 306 _____

Month of Birth: 307 _____

Day of Birth: _____

Year of Birth: _____

City/Town of Birth: 308 _____

Province/State of Birth: _____

Country of Birth: _____

Manitoba Resident

Since: 309 _____

Last Name Before

Marriage: 310 _____

Full Name at Time of Birth: 311 _____

Marital Status

Before Marriage: 312

 Never Married Divorced Widowed

Certificate of Divorce Required?: 313

(\$75.00 plus G.S.T. and court filing fees - \$98.75 each)

 Yes No

Section 4 - Information About the Children (if applicable)

Spouse 1

Gross Annual Income: 401 My Line 150 is \$ _____

Proof of income required for spouse paying child support. (see page 7)*Spouse 2**

Gross Annual Income: 401 My Line 150 is \$ _____

Proof of income required for spouse paying child support. (see page 7)*Child 1**

First Name: 402 _____

Middle Name(s): _____

Last Name: _____

Month of Birth: 403 _____

Day of Birth: _____

Year of Birth: _____

Resides With: 404

 Spouse 1 Spouse 2 Both

Custody Type: 405

 Spouse 1 Spouse 2 Both**Child 2**

First Name: 402 _____

Middle Name(s): _____

Last Name: _____

Month of Birth: 403 _____

Day of Birth: _____

Year of Birth: _____

Resides With: 404

 Spouse 1 Spouse 2 Both

Custody Type: 405

 Spouse 1 Spouse 2 Both



This Guide has been designed to assist you in the completion of our Manitoba Questionnaire. We trust this Guide will answer any questions you may have, however, should you have any questions, please do not hesitate to contact us.

Divorce documents in Manitoba are gender neutral. Our questionnaire can be used by both traditional and same sex couples.

SECTION 1: CONTACT INFORMATION

Line 101: Primary Contact Name

This is the individual who we primarily contact with questions and updates.

Please note that this person must be one of the spouses in the divorce proceeding.

Line 102: Can we leave messages for you?

We will be asking you for your primary and alternate telephone numbers. If we attempt to contact you by telephone, do we have your permission to leave a message for you either on a voice mail system or with another person? We will never leave messages with details of your divorce proceeding, however, we would identify ourselves as well as the company name and telephone number.

Line 103: Do we have your permission to discuss the details of your divorce with your spouse?

Often times, the other spouse in your divorce proceeding may contact us with questions or to provide us with information. Your confidentiality is important to us. Do we have your permission to discuss this proceeding or correspond with the other involved party?

Please note, that if you indicate “no” here, then all correspondence and documents will be automatically sent only to you.

SECTION 2: INFORMATION ABOUT THE MARRIAGE

Line 201: Place of Marriage

Insert the City, Province/State and Country you were married in. This must exactly match the certificate of marriage. If you are unsure of the place you were married, you will need to contact the Vital Statistics office in the Province where you were married. They will assist you with a search.

Line 202: Date of Marriage

Insert the date you were married. This must exactly match the certificate of marriage.

If you are unsure of the date you were married, you will need to contact the Vital Statistics office in the province where you were married. They will assist you with a search.

Line 203: Date of Separation

Insert the date, or approximate date that you and the other spouse stopped living together. If you are still residing in the household together for financial or other reasons, please let us know in the additional notes section (Section 6).

Line 204: Do you have a written agreement or court order regarding the marriage?

If there are any written agreements or court orders settling issues including, but not limited to, custody, access, child support, division of assets and debts, property, or other financial matters, please note this here and provide us with a copy.

SECTION 3: INFORMATION ABOUT THE SPOUSES

This section must be completed in its entirety for BOTH spouses.

If any of the information in this section changes at any time throughout the divorce process, please ensure that you let us know.

Line 301: Name

This is the name that you are currently legally using. Your first and middle name(s) listed here must exactly match the certificate of marriage.

Line 302: Also Known As

This is any other name or alias that you are also currently using, other than nicknames.

It is not necessary to list your maiden name or surname before marriage here, unless you are using it as an alias.

If you have legally changed your name through Vital Statistics since the time of your marriage, then you must list your new name here and provide us with a copy of your Change of Name Certificate.

Line 303: Civic Address

This is the address which will appear on your documents. It must be a street address and be an address where you can be found. The Registry will not accept PO Box or mailbox numbers. Please provide your apartment buzzer code if a delivery person requires this to contact you.

Line 304: Mailing Address

If your mailing address is different than your civic address, please let us know here. This is the address where we will mail your documents and final divorce order. This address can be a PO Box or mailbox number.

Line 305: Telephone Numbers

Phone number – please provide us with a day time telephone number, with area code, where we can reach you if necessary.

Alternative phone number – please provide us an alternate phone number, with area code, where we can reach you if necessary and we are unable to reach you on the primary phone number.

Line 306: Email Address

Please provide us with an email address at which you can be contacted.

Line 307: Date of Birth

Please let us know your month, day and year of birth.

Line 308: Place of Birth

Please let us know the City, Province/State and Country where you were born

Line 309: Manitoba Resident Since

Please state the date, or approximate date, you became a resident of Manitoba.

If you have resided in Manitoba since you were born and have never resided elsewhere, simply state “birth”.

If you were born in Manitoba but resided elsewhere for a period of time, or if you moved to Manitoba from another place, state the date you returned or moved to Manitoba.

If you do not reside in Manitoba, state “not resident”.

**It is important to note that the Divorce Act (Canada) requires that at least one spouse must have resided in Manitoba for a minimum of one year prior to starting a divorce proceeding. That spouse must also maintain residency in Manitoba throughout the divorce proceeding.*

Line 310: Last Name Before Marriage

Please tell us what your surname was immediately prior to this marriage.

Line 311: Full Name at Time of Birth

Please provide your full name, including all middle names, at the time of your birth.

Line 312: Marital Status Before Marriage

Please indicate what your marital status was immediately prior to this marriage.

Certificate of Divorce**Line 313:**

A certificate of divorce is an optional document which can be issued only after your divorce takes effect. If you are planning to remarry, you may require one in order to obtain a marriage licence. Also, some government agencies may require one to prove that your divorce is final. Please let us know if you would like us to obtain one for you.

SECTION 4: INFORMATION ABOUT THE CHILDREN (IF APPLICABLE)

If there are children of the marriage, please complete Section 4 in its entirety.

If there are no children of the marriage, please skip to Section 5.

If you are unsure, you may visit any of the following websites to obtain more information. You can also link to these sites directly from our Resources page.

The Divorce Act (Canada)

<http://laws.justice.gc.ca/en/showdoc/cs/D-3.4//en?page=1>

The Federal Child Support Guidelines

<http://laws.justice.gc.ca/eng/SOR-97-175/index.html>

The *Divorce Act (Canada)* provides the following definitions:

Child of the Marriage...

"child of the marriage" means a child of two spouses or former spouses who, at the material time,

(a) is under the age of majority and who has not withdrawn from their charge, or

(b) is the age of majority or over and under their charge but unable, by reason of illness, disability or other cause, to withdraw from their charge or to obtain the necessaries of life;

Section (b) would typically refer to a child who is over the age of majority but still attending school full time.

Age of Majority...

"age of majority", in respect of a child, means the age of majority as determined by the laws of the province where the child ordinarily resides, or, if the child ordinarily resides outside of Canada, eighteen years of age;

The age of majority in Manitoba is 18 years.

Regarding Step-parents...

For the purposes of the definition "child of the marriage" in subsection (1), a child of two spouses or former spouses includes

(a) any child for whom they both stand in the place of parents; and

(b) any child of whom one is the parent and for whom the other stands in the place of a parent.

Line 401: Gross Annual Income

Sole Custody - in the event child support is being paid the spouse paying child support must provide 3 years of their most recent notice of assessment.

Joint Custody - in the event child support is being paid *Both* spouses must include the last 3 years of notice of assessment.

Child support payable is generally calculated pursuant to the Federal Child Support Guidelines using the income as stated in Line 150 of your most recent income tax return. Gross annual income includes income generated as a result of employment insurance benefits, social assistance benefits and disability benefits, among others.

Further information regarding the calculation of income can be found on the Guidelines website found above.

Please insert your gross annual income here.

Line 402: Name

Please complete the full legal name of each child of the marriage. If you have more than four children, please attach an additional sheet.

Line 403: Date of Birth

Please complete the date of birth of each child of the marriage.

Line 404: Resides With

Please check the box which indicates which parent each child of the marriage primarily resides with.

Check "both" if the child resides a minimum of 40% of the time with each parents.

Line 405: Custody Type

The term custody is vague and generally refers to who has the primary day to day care and decision making responsibilities for a child. However, there are several possible custody scenarios.

The following information is an excerpt from a legal website. If you are unsure as to what your particular custody scenario in your unique circumstance, you may wish to speak with a family lawyer.

"Sole custody occurs when a child lives primarily with one parent.

Joint custody occurs when a child either lives with both parents equally or lives mostly with one parent (the child's primary residence) but the parents have agreed to share equally the rights and responsibilities for that child. This involves a high level of communication and shared decision-making between the parents.

Custody can also be described in other terms but sole custody and joint custody are the terms used most often."

Note: Because custody arrangements are as flexible as the parents who make them, you need to define for yourself what you want if you are seeking joint custody. Be sure you and the other parent agree on what joint custody means.

Line 406: Describe access arrangements

Please set out what the access arrangements are for the children of the marriage. Ensure that the information you provide here is as detailed as possible, keeping in mind that your exact words will be used in your documents.

Please do not simply refer us to the terms of a separation agreement or court order. You must be specific here.

Line 407: Amount of agreed monthly child support being paid

Pursuant to S. 11(1)(b) of the *Divorce Act (Canada)*, in order to grant a divorce, the court must be satisfied that reasonable arrangements have been made for the financial support of the children of the marriage, giving regard to the applicable guidelines.

What this means is that in order for us to be able to type your divorce documents, child support must be paid in accordance with the *Federal Child Support Guidelines*.

Please let us know what the exact amount of basic monthly child support being paid is. This amount should not include any special or extraordinary expenses.

Line 408: Child support is paid by...

Please let us know which spouse is paying the monthly child support.

SECTION 5: TYPE OF DIVORCE**Line 501: What type of divorce do you wish to commence?**

The four main differences between a joint and sole divorce are time, cost, co-operation and agreement.

Time & Cost: Joint divorces tend to go a little quicker and are generally less expensive than sole divorces because there is no need for personal service (delivery) of documents and therefore, no waiting period following the service of documents. Also, there is no cost for serving the documents on your spouse.

Co-operation & Agreement: Joint divorces require the co-operation and agreement of both parties in all aspects throughout the entire process. Both parties are required to sign the documents as well as have affidavits notarized. In a sole divorce, only the Applicant signs the documents. They are served on the Defendant. There is no requirement for the other spouse to sign anything.

It is important that you clearly know which route you are wanting to take prior to proceeding. To switch from a joint divorce to a sole divorce after the initial documents have been filed with the Court is both time consuming and costly. Additionally, we would not be able to assist you any further.

SECTION 6: ADDITIONAL NOTES

Please use this section to tell us anything that may not be covered in any of the previous sections, but that may be relevant to your divorce proceeding.

SECTION 7: LIST OF FEES

We offer two document preparation packages for your convenience.

Platinum Divorce Service: our most popular option – by selecting this service, we will not only type your documents for you but we will also make all the arrangements for the two or more trips to the Court Registry to file your documents. If you are proceeding with a sole divorce, then we will also arrange to have the documents personally served on your spouse. We will manage your divorce proceeding from the beginning through it's completion.

There are some additional third party fees payable. You will have one or more affidavits which will need to be signed in front of a lawyer, notary public or commissioner for taking affidavits. The average cost is approximately \$30.00 to \$50.00 per affidavit. If you are proceeding with a sole divorce you will need to have your documents personally delivered (served) on your spouse. The average cost of a process server is approximately \$50.00 to \$150.00. This cost can vary greatly depending upon where your spouse resides and how many attempts are required in order to serve the documents.

Line 701: Registry

Your documents will be filed in the Manitoba Court of Queen's Bench. In Manitoba divorce documents can be filed at any of the 13 registries. Please let us know which registry you wish your documents to be filed in. A complete list of registries can be found at the end of this section.

Line 702: Initial Documents

The initial documents in a joint divorce proceeding must be signed by both spouses, although you don't have to be in the same room when you sign them, nor do they have to be signed on the same day.

The initial documents in a sole divorce proceeding are signed only by the applicant and will therefore be sent only to the applicant.

If you are proceeding with a joint divorce, please let us know to which spouse the initial documents are to be sent. Please also note that if you checked "no" at Line 103, we will automatically only send documents to the primary contact.

If you wish your documents to be sent to you by xpresspost, please see below for the additional fees that will apply.

Line 703: Final Documents

The final documents in a joint divorce proceeding comprise of an affidavit for the spouses to have notarized.

The final documents in a sole divorce proceeding comprise of an affidavit which only the Applicant has notarized.

If you are proceeding with a joint divorce, please let us know to whom the final documents are to be sent.

If you wish your documents to be sent to you by xpresspost, please see below for the additional fees that will apply.

Gold Divorce Service: by selecting this service, we will type your divorce documents and send them to you along with comprehensive, but easy to follow, instructions. You will be responsible for the two or more trips to the Court Registry to file your documents. If you are proceeding with a sole divorce, you will be responsible to arrange the service of the documents on your spouse. If you choose this option, our staff will be available at any time to answer any questions you may have.

There are some additional third party fees payable. You will be required to pay the Court Registry filing fees at the time you submit your documents. The filing fees are \$160.00 (\$180.00 if you request a Certificate of Divorce). You will have one or more affidavits which will need to be signed in front of a lawyer, notary public or commissioner for taking affidavits. The average cost is approximately \$30.00 to \$50.00 per affidavit. If you are proceeding with a sole divorce you will need to have your documents personally delivered (served) on your spouse. The average cost of a process server is approximately \$50.00 to \$150.00. This cost can vary greatly depending upon where your spouse resides and how many attempts are required in order to serve the documents.

Line 704: Registry

Your documents will be filed in the Manitoba Court of Queen's Bench. In Manitoba divorce documents can be filed at any of the 13 registries. Please let us know which registry you wish your documents to be filed in. You may file your documents by mail if you live in an area where there is no registry close by or you are unable to personally

Registry Locations

Below is a list of the Manitoba Court of Queen's Bench locations where divorces may be filed.

BRANDON	WINNIPEG	DAUPHIN
MINNEDOSA	MORDEN	PORTAGE LA PRAIRIE
SELKIRK	SWAN RIVER	FLIN FLON
THE PAS	THOMPSON	ST. BONIFACE
VIRDEN		

SECTION 8: CHECKLIST

Don't forget to send us your:

- ✓ Completed Questionnaire;
- ✓ Photocopy of your Vital Statistics issued Marriage Certificate;
- ✓ Photocopy of any separation agreement or court order, if there are children of the marriage; and
- ✓ Payment Information.

SECTION 9: PAYMENT OPTIONS

Please indicate your preferred method of payment.

If paying by Visa, MasterCard or American Express, we will require all information requested below to be completed. The security code, or CVV code, is also required. CVV stands for Credit Card Verification Value. The CVV is a 3 or 4 digit code embossed or imprinted on the signature panel on the reverse side of Visa, MasterCard and Discover cards and on the front of American Express cards. This code is used as an extra security measure to ensure that you have access and/or physical possession of the credit card itself.

If you wish to pay using the PayPal service, you must provide us with an email address (see Line 306). Upon review of your completed questionnaire, we will email you an invoice which you can then pay directly using PayPal.

If you wish to pay by Interac Email Money Transfer, we will contact you with further instructions upon review of your completed questionnaire.

SECTION 10: HOW DID YOU HEAR ABOUT US?

Your input helps us to share this valuable service with others. Please let us know how you heard about us by checking the appropriate box.

WHAT HAPPENS NEXT?

Once we have received your questionnaire, we will review it to make sure that all required information is completed and process your payment.

If we have any questions or require clarification on any point, we will contact you to discuss.

As soon as we have all required information, documents and payment, we will type your documents and send them to you usually within two (2) business days.

Please feel free to contact us via email, snail mail or call our toll free number with any comments or questions you may have.

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