

Example 8. Notice of Motion (Form 37A)

Court File Number **FDf-00-0000**¹

IN THE COURT OF KING'S BENCH OF NEW BRUNSWICK
FAMILY DIVISION JUDICIAL DISTRICT OF **FREDERICTON**

BETWEEN:

Jane Mary Doe APPLICANT

- and -

John Richard Smith RESPONDENT

NOTICE OF APPLICATION (FORM 37A)

TO: **John Richard Smith, 124 Daisy Lane, Smalltown, NB
A18 3C4, jsmith@email.com**²

The plaintiff will apply to the court at _____,³
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);*⁴

See attached **8a**

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).⁵

See attached **8b**

N° du dossier

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

ENTRE :

Jane Mary Doe REQUÉRANT

- et -

John Richard Smith INTIMÉ

AVIS DE REQUÊTE (FORMULE 37A)

DESTINATAIRE :

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); signification de
l'avis de requête.

À 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).

1. Always include the court file number and the full style of proceeding at the top of court documents. See example 1 for a style of proceeding.

2. Include the Respondent's name and contact information here.

3. Leave this field blank. The court staff will fill it out after you submit it to the court. They will write the date of the court hearing here.

4. Explain what you want the court to order. If you don't have enough room, you can write this on a separate page and attach it to the form.

5. List the documents you will use as evidence at the court hearing. If there isn't enough room, you can also list this on a separate page and attach it to the form.

Example 8. Notice of Motion (Form 37A) page 2

6. Say whether you will use English or French at the hearing.

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 English⁶ language; 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.

DECLARATION OF APPLICANT

DATED at Fredericton, this 24th day of August, 2025.⁷


(signature of applicant)⁸

Name of applicant: Jane Mary Doe⁹

Address for service within New Brunswick: 456 Main Street, Hometown, NB E3A 1Z1 jdoe@email.com¹⁰

7. Put the place and date you signed the form.

8. Your signature.

9. Your name, printed clearly.

10. Your full mailing address and contact information.

Sachez que :

- (a) vous avez le droit d'émettre documents et de présenter votre preuve à l'audience en _____, en anglais ou dans les deux langues;
- (b) le demandeur (ou selon le cas) a l'intention d'utiliser la langue français ; et
- (c) si vous avez l'intention d'utiliser l'autre langue officielle, les services d'un interprète pourront être requis et vous vous devrez en aviser le greffier au moins 7 jours avant l'audience.

DÉCLARATION DU REQUÉRANT

FAIT à _____, le _____ 20__.

(signature du requérant)

Nom du requérant :

Adresse aux fins de signification au Nouveau-Brunswick :

8a

Order sought:¹¹

1. An interim parenting order granting the majority of parenting time and sole-decision making responsibility of Kimberly Ann Smith, born March 15 2020, and David Scott Smith, born January 23 2023, to Jane Mary Doe, the Applicant, under subsection 52(3) of the *Family Law Act*.
2. An interim order that John Richard Smith, the Respondent, have parenting time with the children Kimberly Ann Smith and David Scott Smith on a biweekly schedule every second weekend as well as overnights every Tuesday, under sections , 52(4), and 53(1) of the *Family Law Act*.
3. John Richard Smith, the Respondent, pay support for the children Kimberly Ann Smith and David Scott Smith, under sections 10, 12 and subsection 11(1) of the *Family Law Act* and
 - a. All support payments be index to the Cost-of-Living index,
 - b. These payments be made retroactively from a date deemed appropriate by the Court under paragraph 21(2)(1) of the *Family Law Act*, and
 - c. Enforcement of Child Support Payments be done by the Office of Support Enforcement
4. John Richard Smith, the Respondent, be required to continue all dental and health insurance plans to which he may be entitled to through his employer for the benefit of his wife, Jane Mary Doe, and for the benefit of their children, Kimberly Ann Smith and David Scott Smith.
5. Costs, and
6. Any other order the Court considers just.

11. This is where you can explain exactly what you want the court to order. Cite the laws that allow the court to make the kind of order you want. For example, the *Family Law Act*, the *Divorce Act*, and the Federal Child Support Guidelines all have rules that are often relevant to these kinds of applications.

8b

The following affidavits and other documentary evidence will be presented:¹²

1. The affidavit of Jane Mary Doe, Applicant
2. Financial Statement (72J) of Jane Mary Doe, Applicant; and
3. Income Information of Jane Mary Doe, Applicant

12. This is where you can list the documents you will use at the court hearing.