

## Example 9. Notice of Motion (Form 72U)

1. Use form 72U if:  
- you are requesting an Interim Parenting Order that includes a request for child support, or  
- you already have an order for child support and you are applying to change (vary) it.

2. 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.

3. Put the other parent's name and contact information here.

4. 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.

5. Describe the kind of order you are asking for. If you are applying for an Interim Child Support Order with a divorce, check the first box. If you are applying to vary an existing Child Support Order, check the second box.

6. List the full names, ages, and dates of birth of all children included in your request for child support.

Court File Number **FDf-00-0000**<sup>1</sup>

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

BETWEEN:<sup>2</sup>

**Jane Mary Doe** APPLICANT

- and -

**John Richard Smith** RESPONDENT

**NOTICE OF MOTION  
(FORM 72U)**

TO: **John Richard Smith, 123 Daisy Lane, Smalltown  
NB A1B 3C4, jsmith@email.com**<sup>3</sup>

The applicant will apply to the court at (*specific location*) \_\_\_\_\_, on the day of \_\_\_\_\_, 20\_\_ at \_\_\_\_\_ a.m. (or p.m.) for the following order (*state the grounds to be argued, including a reference to any statutory provision or rule to be relied on*):<sup>4</sup>

(Please check appropriate box or boxes.)<sup>5</sup>

1. Child support for the following children:

- interim order *or*
- variation (*or rescission or suspension*) of attached order

Name of child	Age	Date of birth
<b>Kimberly Ann Smith</b>	<b>5 years</b>	<b>March 15 2020</b> <sup>6</sup>
<b>David Scott Smith</b>	<b>2 years</b>	<b>January 23 2023</b>

N° du dossier

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

ENTRE :

REQUÉRANT

- et -

INTIMÉ

**AVIS DE MOTION  
(FORMULE 72U)**

À :

Le requérant demandera à la cour à (*lieu précis*) \_\_\_\_\_, le \_\_\_\_\_, 20\_\_ , à \_\_\_\_\_ h, l'ordonnance qui suit (*Indiquer les motifs à discuter, y compris les renvois à toute disposition législative ou à toute règle invoquée*) :

(Veuillez cocher la ou les cases appropriées.)

1. Ordonnance alimentaire au profit des enfants suivants :

- ordonnance provisoire *ou*
- modification (*ou abrogation ou suspension*) de l'ordonnance annexée

Nom de l'enfant	Âge	Date de naissance
<b>Kimberly Ann Smith</b>	<b>5 years</b>	<b>March 15 2020</b> <sup>6</sup>
<b>David Scott Smith</b>	<b>2 years</b>	<b>January 23 2023</b>

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(If claiming special expenses, please specify nature and amount, where possible, of the expense(s) claimed and name of child(ren) for which expense(s) is (are) claimed.)

Nature of expense <sup>7</sup>	Amount claimed	Name of child
Child care	\$765/month	Kimberly Ann Smith David Scott Smith

(State the grounds to be argued including a reference to any statutory provision or rule to be relied on. If claiming an amount that is different from the table amount and is not a special expense, please specify the amount. Please attach affidavit specifying the reasons upon which you are relying for departure from the table amount.)<sup>8</sup>

See attached **9a**

Particulars of Previous Order:<sup>9</sup>

Date of previous order: **September 15, 2025**

Amount paid under previous order: **\$580**

2. Parenting order with respect to the following children:<sup>10</sup>

- interim order or
- variation (or rescission or suspension) of attached order

Previous parenting arrangements:

Date of previous order:

(Si vous demandez des dépenses spéciales, veuillez en préciser, si possible, la nature et le montant et le nom de l'enfant pour qui ces dépenses sont sollicitées.)

Nature des dépenses	Montant sollicité	Nom de l'enfant
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(Indiquer les motifs à discuter, y compris les renvois à toute disposition législative ou à toute règle invoquée. Si vous demandez un montant qui diffère du montant figurant à la table, et qui n'est pas une dépense spéciale, veuillez en préciser le montant. Veuillez joindre un affidavit indiquant les raisons sur lesquelles vous appuyez pour demander un montant autre que celui qui apparaît à la table.)

Précisions sur l'ordonnance antérieure :

Date de l'ordonnance antérieure :

Montant payé en vertu de l'ordonnance antérieure :

2. Ordonnance parentale à l'égard des enfants suivants :

- ordonnance provisoire ou
- modification (ou abrogation ou suspension) de l'ordonnance annexée

Ententes parentales antérieures :

Date de l'ordonnance antérieure :

7. If you are claiming special expenses, list them here with exact amounts. For information about special expenses, see section 7 of the Federal Child Support Guidelines, and step 7 of [The Federal Child Support Guidelines: Step-by-Step](#).

8. Explain what order you are asking the court to make. If there isn't enough room, you can write this on a separate page and attach it to the form.

9. Include the date the previous order was made, if there is one. Also include how much child support was ordered under the previous order.

10. Fill in this section if this motion also includes a request for an interim or varied parenting order. If not, cross it out.

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11. Fill out this section if you are asking for any other order that hasn't already been mentioned in this form.

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

13. Indicate whether you will use English or French at the hearing.

14. If you and the other parent have been involved in other court proceedings, list the details here. If not, cross it out.

**3. Other claim** (*Please specify. State the relief sought and the grounds to be argued, including a reference to any statutory provision to be relied on.*)<sup>11</sup>

N/A

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*)<sup>12</sup>

See attached **9b**

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 applicant intends to proceed in the **English**<sup>13</sup> language; and
- (c) if you intend to proceed in the other official language, an interpreter may be required and you must so advise the court administrator at least 7 days before the hearing.

4. 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 the other party, or
- any restraining or protection orders or applications against one of you.

The judge will use this information to help ensure that any orders in this proceeding do not conflict with other orders or proceedings.<sup>14</sup>

The following are all other court proceedings involving one or both parties to the proceeding or any of the children: (*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.*)

**3. Autre demande** (*Veillez préciser. Indiquez les mesures de redressement sollicitées et les motifs à discuter, y compris les renvois à toute disposition législative invoquée.*)

À l'audition de la motion, les affidavits ou les autres preuves littérales suivants seront présentés : (*énumérez les preuves littérales qui seront utilisées lors de l'audition de la motion*)

Sachez que :

- (a) vous avez le droit dans la présente audition, d'émettre des documents et de présenter votre preuve en français, en anglais ou dans les deux langues;
- (b) le requérant 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 l'administrateur de la cour au moins 7 jours avant l'audition.

4. Si vous demandez une ordonnance parentale ou une ordonnance alimentaire au profit d'un enfant ou d'un époux, vous devrez mentionner à la cour les éléments suivants :

- toute affaire ou ordonnance pénale ou de protection de l'enfance qui vous vise, ou qui vise l'autre partie;
- toute ordonnance ou demande d'interdiction ou de protection contre l'un ou l'autre d'entre vous.

Le juge utilisera ces renseignements pour s'assurer que toute ordonnance rendue en vertu de cette instance n'est pas en conflit avec d'autres ordonnances ou instances.

Toutes les instances judiciaires impliquant une ou les deux parties à cette instance ou tout enfant sont les suivants : (*Donnez le nom de la cour, le numéro du dossier, le genre d'ordonnance demandée et l'ordonnance rendue par la cour, s'il y a lieu. Si l'instance n'a pas été menée à conclusion, dites à quelle étape elle se trouve.*)

**DECLARATION OF APPLICANT**

- 5.
  - I have read and understand this Notice of Motion. The statements of which I have personal knowledge are true, and those of which I do not have personal knowledge I believe to be true.<sup>15</sup>
  - I certify that I am aware of my duties under sections 7.1 to 7.5 of the *Divorce Act*.<sup>16</sup>

DATED at Fredericton, this 10th day of July, 2026.<sup>17</sup>

Jane M Doe<sup>18</sup>  
*signature of applicant*

Mary L Smith, Applicant<sup>19</sup>

**STATEMENT OF SOLICITOR<sup>20</sup>**

**6.** (Where applicant has retained a solicitor)  
 I \_\_\_\_\_, solicitor for the applicant, certify 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 applicant, set out the circumstances.)*

DATED at \_\_\_\_\_, this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
*signature of solicitor*

**DÉCLARATION DU REQUÉRANT**

- 5.
  - J'ai lu l'avis de motion et j'en comprends le sens. Les faits qui y sont énoncés et dont j'ai une connaissance personnelle sont vrais et je crois être vrais ceux dont je n'ai pas de connaissance personnelle.
  - J'atteste que je suis conscient des obligations qui me sont imposées en application des articles 7.1 à 7.5 de la *Loi sur le divorce*.

FAIT à \_\_\_\_\_ le \_\_\_\_\_ 20\_\_.

\_\_\_\_\_  
*signature du requérant*

**DÉCLARATION DE L'AVOCAT**

**6.** (Si le requérant a retenu les services d'un avocat)  
 JE SOUSSIGNÉ \_\_\_\_\_, avocat du requérant, atteste m'être conformé aux exigences prévues à l'article 7.7 de la *Loi sur le divorce*.

*(Si les circonstances en l'espèce sont telles qu'il serait inapproprié de discuter des questions visées au paragraphe 7.7(1) avec le requérant, indiquez ces circonstances.)*

FAIT à le \_\_\_\_\_ 20\_\_.

\_\_\_\_\_  
*signature de l'avocat*

15. Check this box to say that you have read and understood this form, and that the information you provided is true.

16. Check this box to say that you understand your duties under sections 7.1 to 7.5 of the *Divorce Act*. See section 18 on page 48 for an overview.

17. Write where and when you signed the form.

18. Your signature.

19. Your name, printed clearly. Indicate whether you are the Applicant.

20. If you are being represented by a lawyer, they should fill out this section. If you do not have a lawyer, cross out this section.

21. 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.

9a

Order sought: <sup>21</sup>

1. An order varying the order dated September 15, 2025, under S. 22 (1) of the *Family Law Act*.
2. That the respondent, John Richard Smith, 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* according to his new income, and
  - a. These payments be made payable retroactively to the date of his increased salary, under S.21(2)(i) of the *Family Law Act*, and
  - b. The support payments be enforced by the Office of Support Enforcement
3. 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 children, Kimberly Ann Smith and David Scott Smith.
4. John Richard Smith, the Respondent, be required to contribute to special expenses (childcare) at a rate proportional to our incomes under S.7 of the Federal Child Support Guidelines.
5. Costs and
6. Any other order the court considers just.

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

9b

The following affidavits and documentary evidence will be presented: <sup>22</sup>

1. Affidavit of Jane Mary Doe, Applicant.
2. Financial Statement (72J) of Jane Mary Doe, Applicant;
3. Income information of Jane Mary Doe, Applicant