

NOTICE

COURT OF QUEEN'S BENCH

RE: VERSION 3 OF THE MANDATORY STANDARD CLAUSES FOR FAMILY DIVISION ORDERS

Standard Clauses used in Family Division court orders have been mandatory since 1998 [see Queen's Bench Rules 70.31(11), (12) and (13) attached]. These clauses continue to be refined to easily reflect the intent of a judge's decision, ensure compliance by the parties and prompt enforcement by agencies. While use of non-standard clauses is not encouraged but is sometimes necessary, an order in which one appears must be accompanied with an *Explanatory Note* (Form 70V).

Changes to the Standard Clauses were required for use in the live Automated Family Court Order (AFCO) Application currently in use in the Masters' Maintenance Enforcement Court (Winnipeg Centre) as well as other minor changes to words and/or footnotes.

Version 3 includes the following new or modified clauses:

- EB-1
- GD-1.4
- HA-5
- QC-1, QC-1.7, QD-1 and QD-1.8
- SC-1.7
- TB-1, TB-2, TB-3, TC-1.3, TH-1, TH-1.1, TH-2, TH-2.1, TH-3.1, TH-5 and TH-5.1
- VD-2

Version 3 is currently available as follows:

1. MANITOBA JUSTICE WEBSITE (for electronic viewing, printing or download):

<http://www.manitobacourts.mb.ca/family/autoorder/autoorder.html>

(External Users)

<http://manitobacourts.gov.mb.ca/family/autoorder/autoorder.html> (Justice Staff)

2. E-MAIL:

If one does not have Internet access, a request can be made to autoordersupport@gov.mb.ca. The requester must specify the language and computer format preferred from the list below.

Languages: English
French

**Computer
Formats** Word 97-2003 - XP
Word 97-2003 & 6.0/95 – RTF
Rich Text Format
Plain Text

3. HARDCOPY:

If one does not have Internet or e-mail access, a request can be made to their nearest Court of Queen's Bench, Family Division, in writing or in person.

ISSUED BY:

Original signed by
Associate Chief Justice Lori Douglas
(Family Division)

DATE: August 2009

QUEEN'S BENCH RULES RELEVANT TO MANDATORY USE OF STANDARD CLAUSES

Standard clauses required for orders in certain Acts and in the Rules

[70.31\(11\)](#) Subject to subrules (12) and (13), where an order is pronounced under one of the following enactments standard clauses shall be used in the preamble and body of the order:

- (a) the *Divorce Act* (Canada);
- (b) *The Family Maintenance Act*, other than a recalculated child support order;
- (c) *The Family Property Act*;
- (d) *The Law of Property Act*;
- (e) *The Court of Queen's Bench Act* or the Rules;
- (f) *The Reciprocal Enforcement of Maintenance Orders Act* or *The Inter-jurisdictional Support Orders Act*;
- (g) Part VII of *The Child and Family Services Act* (private guardianship of the person and access);
- (h) *The Child Custody Enforcement Act*;
- (i) *The Domestic Violence and Stalking Act*, except a protection order pronounced under that Act.

[M.R. 104/2004](#); [92/2005](#); [93/2005](#)

Standard clauses required in preamble

[70.31\(12\)](#) The preamble of an order referred to in subrule (11) shall use standard clauses, unless the order is pronounced under an Act which requires that the preamble be in a different form.

Exceptions to standard clauses

[70.31\(13\)](#) A proposed order which contains non-standard wording but under subrule (11) requires standard clauses may be accepted by the registrar if

- (a) no standard clauses are appropriate;
- (b) the wording of the order conforms as much as possible to the closest applicable standard clause; and
- (c) an explanatory note (Form [70V](#)) is filed with the proposed order setting out the reasons for using the non-standard wording.