

NOTICE

COURT OF QUEEN'S BENCH

RE: VERSION 4 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 to reflect legislative changes that have come into force since the release of Version 3 and other minor changes to clause wording and footnotes.

Version 4 includes the following new or modified clauses:

- DE-5, DE-5.1, DE-5.2, DE-6, DE-6.1, DE-6.2, DE-6.3, DE-6.4
- EC-1
- HA-5, HA-6, HA-7, HA-8, HA-9, HA-10
- NP-1, NP-1.1, NP-1.2, NP-1.3, NP-1.4
- PA-1
- QA-4, QB-1, QB-2, QE-4, QF-1, QF-2, QF-3, QF-4, QF-4.1, QF-4.2, QF-4.3, QF-4.4, QF-4.5, QF-4.5.1, QF-4.6, QF-4.7
- TC-1.7, TC-1.8, TC-1.9, TH-5.1

Clause(s) deleted:

- PA-2

Version 4 is currently available as follows:

1. MANITOBA COURTS 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
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 _____
Chief Justice Glenn D. Joyal

DATE: May 2012

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), other than a recalculated child support order;
- (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.