

NOTICE TO THE PROFESSION
FAMILY DIVISION
(Applies to all proceedings in the Family Division including Child Protection)
GENERAL DIVISION
(Applies to all Civil Proceedings in the General Division)

AMENDMENTS TO DOCUMENTS

PROCEDURES PURSUANT TO RULE 26 (effective July 15, 2001):

1. Upon a request for amendment by counsel at hearing of a motion or trial, the clerk (who will no longer process amendments granted at hearing) will make a notation on the Family or Civil Disposition Sheet accordingly. Amendments will only be processed through the Registry counter (see point #3).
2. Upon a request for amendment by counsel at hearing of a pre-trial conference or case conference, the presiding judge will make a notation in the Pre-Trial Conference or Case Conference Memorandum accordingly. Amendments will only be processed through the Registry counter. (see point #3).
3. When only an Amendment is granted at hearing (pre-trial, case conference, motion, trial, etc.) – counsel must submit a requisition and two copies of the amended pleading (*\$20.00 filing fee applied thereon) to the Court of Queen’s Bench Registry for processing.
When an Amendment and other relief are granted at hearing (pre-trial, case conference, motion, trial, etc.) – counsel must submit an Order. Once the Order has been signed, counsel must submit a requisition and two copies of the amended pleading (*\$20.00 filing fee applied thereon) to the Court of Queen’s Bench Registry for processing.
Note: Where an originating pleading is being amended, only the amendment fee must be paid.
Important: Amendment granted under a Deputy Registrar’s jurisdiction – counsel must submit a requisition and two copies of the amended pleading (*\$20.00 filing fee applied thereon) to the Court of Queen’s Bench Registry for processing.
4. Unless the Registry is provided with all required documentation and fees, the following consequences may occur:
 - a) FAMILY DIVISION:
 - i) Counsel failing to file the amended pleading will not be permitted to file further documents on the file in question without leave of a judge.
 - ii) DIVORCE JUDGMENT or JUDGMENT/ORDER will not issue until the amendment process is completed.
 - iii) A CERTIFICATE OF DIVORCE will not issue until the amendment process is completed.
 - iv) A request to the Central Divorce Registry, when a new CDR is required, will not be processed until the amendment is processed. (Central Divorce Registry has a minimum 4-6 week waiting period, with additional weeks being required for the completion of the amendment process in Registry, all of which will delay the issuance of a Certificate of Divorce.)
 - b) GENERAL DIVISION:
 - i) Counsel failing to file the amended pleading will not be permitted to file further documents on the file in question without leave of a judge.

GENERAL UNDERTAKING PRACTICE

1. Counsel in both the Family and General Divisions are responsible to ensure that they comply with their undertakings to the Court forthwith. If that undertaking requires an amendment, counsel must complete the process.
Example: When counsel undertakes to file a Marriage Certificate in a Petition for Divorce, and that certificate does not correspond with the filed Petition for Divorce, that Marriage Certificate will be returned to counsel. Counsel must submit two copies of the amended pleading by way of requisition (*\$20.00 filing fee applied thereon) to the Court of Queen’s Bench Registry for processing along with the Certificate of Marriage.
Direction to Staff: A CDR will not be ordered until receipt of a departmental Marriage Certificate.

DATED June 5, 2001.

Original signed by Associate Chief Justice G.W.J. Mercier

Original signed by Associate Chief Justice Jeffrey J. Oliphant

Court of Queen’s Bench of Manitoba