

PRACTICE DIRECTION

COURT OF QUEEN'S BENCH OF MANITOBA

RE: *DIVORCE ACT* AMENDMENTS - PLEADINGS

A party is not required to amend a pleading filed prior to the amendments coming into force on **March 1, 2021**, to obtain an order pursuant to the amended *Divorce Act*.

The new legislation contains transitional provisions for proceedings that were commenced but were not finally disposed of before the amendments came into force.

Section 35.3 of the *Divorce Act* specifies that proceedings commenced prior to March 1 "shall be dealt with and disposed of in accordance" with the amended *Divorce Act* that came into force on March 1.

Section 35.3 continues the proceeding. There is a change in terminology, not the creation of a new cause of action. Custody equates to "parenting time and decision-making responsibility" and access equates to "parenting time".

This applies whether the proceedings are by default, resolved at a triage or a case conference or adjudicated at a trial.

Coming into effect

This Practice Direction comes into effect immediately.

ISSUED BY:

"Original signed by Associate Chief Justice Gwen B. Hatch"

The Honourable Associate Chief Justice Gwen B. Hatch
Court of Queen's Bench of Manitoba

DATE: June 15, 2021