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Superior Court of Justice

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A Guide to Family Procedures in the Superior Court of Justice

Revised July 2004

*This guide does not provide legal advice.
It is recommended that all parties in the
Superior Court of Justice seek legal advice
where possible.*

Part 6: Uncontested Divorce

General Application

The steps to obtain a divorce where the case is uncontested (not defended or disputed) are described below. **If it is likely that your case may be defended or disputed, you should refer to the *Applications Guide*. At any time in this process if the case is defended or disputed, refer to the *Applications Guide* for the next steps in the case.**

Some Things You Need to Know Before You Begin

An application for uncontested divorce may be brought in three ways:

1. **A Simple Application:** A simple application deals **only** with a request for divorce. The steps for a simple application are found in the “*Simple Application*” guide.
2. **A General Application:** A general application deals with a request for divorce **and** other claims. The steps for this type of claim are found in this guide.
3. **A Joint Application:** A joint application is brought by both spouses jointly, and must be on consent of both parties. A joint application may deal with claims in addition to divorce, as long as both parties consent to all claims. The steps for a joint application are found in the “*Joint Application*” guide.

Where to Start Your Case

Before you begin your divorce application, you should check to make sure that you are bringing the application in the right court.

Generally, you should start your case in the court:

- In the municipality where you live; or
- In the municipality where the child(ren) live(s), if you are asking for custody or access to the child(ren).

Court staff must refuse your application if you are in the wrong court.

Central Registry of Divorce Proceedings

Whenever a party applies for a divorce anywhere in Canada, the Central Registry of Divorce Proceedings at the federal Department of Justice must be notified. This is done when you complete a Registration of Divorce Proceeding form. This is not a court form but is available at the court office.

The Central Registry of Divorce Proceedings will check its database to see if the same parties have registered any other divorce applications. If the check comes up clear, the Central Registry of Divorce Proceedings will issue a Clearance Certificate to the court.

The court cannot grant a divorce until the Clearance Certificate has been filed.

Marriage Certificate

In order to obtain a divorce, your original marriage certificate must be filed with the court. This can either be done at the beginning when you file the Application or during the second stage when you pick up the remaining forms for completion.

If you do not have your marriage certificate, you can order one from the government of the province where you were married.

In Ontario, you order it from the Office of the Registrar General in Thunder Bay. An application for the certificate is available at the court and may be available from the Family Law Information Centre, city hall, municipal office or a legal aid clinic. There is a fee charged for the certificate and it can take several weeks to obtain. For information, call toll-free 1-800-461-2156 or, within Toronto, (416) 325-8305. You must file your certificate with the court before your Divorce Order is granted.

If you are unable to obtain your marriage certificate, there is a box on page 1 of the Affidavit for Divorce – Form 36, which you can select and provide details.

If you were previously married outside of Canada, you will also have to provide proof of any previous divorce or the death of your previous spouse.

The Divorce Order

Once the judge has an opportunity to review your claim, he or she, if satisfied with the material, will grant you a Divorce Order.

You will need to provide the court with two stamped envelopes in order to receive a copy of your order. One envelope should be addressed to you and the other should be addressed to the respondent. After the judge has signed the Divorce Order, the court will mail a copy to you and the respondent.

The Certificate of Divorce

Your Divorce Order will state that the divorce takes effect on the 31st day after the date on which the order was made. A Certificate of Divorce will be issued as proof that a divorce is effective as of a particular date.

Either party can request the Certificate of Divorce from the court after the required time has elapsed. There is a fee for the certificate, which can be paid by cash, certified cheque or money order, payable to the “Minister of Finance.”

Once the request for the certificate is made, court staff will check the file to make sure the required time has passed and that there has been no appeal of the Order. If everything is in order, the certificate will be issued.

Speak to court staff about the easiest way to obtain your Certificate of Divorce.

Steps to Complete a General Application

Step 1: Pick up the forms you need.

All of the forms that you will need can be picked up at the court office.

If you are making an application, you need:

- An Application (General) – Form 8
- An Affidavit of Service – Form 6B
- A Registration of Divorce Proceeding Form (This is not a court form, but is available at the court office)
- A Table of Contents page for the Continuing Record (This is not a court form, but is available at the court office).

If you are claiming support but are not claiming property or exclusive possession of the matrimonial home and its contents, you need:

- A Financial Statement (Support Claims) – Form 13

If you are claiming property or exclusive possession of the matrimonial home and its contents, whether or not you are also claiming support, you need:

- A Financial Statement (Property and Support Claims) – Form 13.1

In either of these cases, you may also need:

- A Direction to Canada Customs and Revenue Agency – Form 13A (if you cannot easily obtain your income tax returns and Notice of Assessments for the past 3 years)
- A Support Deduction Order Information Form (SDOIF) (This is not

a court form but is available at the court office)

If you are making a claim in relation to property you need:

- A Net Family Property Statement – Form 13B

If you have had previous family court files you need:

- A Summary of Court Cases – Form 8E

Refer to the Financial Statements Guide for more information.

Step 2: Fill in the forms.

Fill in all forms carefully, follow all of the instructions on the forms and include all the information asked for.

Need help completing the forms? Go to the end of this guide for samples.

Step 3: Get a court file number and pay any applicable fees.

1. Take your forms to the court office.

2. At the court office, staff will:

- Give your case a court file number.
- Put a court seal on the Application.
- Collect any fee for filing your Application. You may pay this fee by cash, cheque or money order payable to the “Minister of Finance.” You can find out more about fees at the court office.
- Court staff will put the following documents in the court file:
 - Registration of Divorce Proceeding Form
 - Your Marriage Certificate

3. You will then put the court file number in the upper right-hand corner of every page of all of the forms.
4. Fill in the name, date of the document and date of filing of the documents in the Table of Contents.
5. You will need to make **two** copies of your completed Application – Form 8, including any attachments, and the updated Table of Contents page. One copy is for the respondent and one copy is for your files. The originals will be filed with the court in the Continuing Record.

Step 4: Serve the respondent with the documents.

You must arrange to provide the respondent with a copy of:

- Your completed Application, including attachments
- Any other completed forms
- The Table of Contents

You should also serve a blank Answer – Form 10, and if applicable, a blank Financial Statement (Support Claims) – Form 13 or a blank Financial Statement (Property and Support Claims) – Form 13.1 for the respondent to complete.

These documents cannot be faxed or sent to the respondent through regular mail. They must be served by “special service”, i.e., either handed personally to the respondent or the respondent’s lawyer or mailed with an Acknowledgment of Service Card – Form 6.

Ordinarily, you should not hand the documents to the respondent yourself. You may be able to get a friend or relative to serve the documents for you or you can

hire someone to serve the respondent for you; names of these people can be found in the Yellow Pages under “Process Servers.” If you do not have a lawyer or cannot find someone to serve the documents for you, and you fear for your safety, talk to court staff and they will arrange to serve the respondent.

After the respondent has been served with your documents, the person who served them must complete an Affidavit of Service – Form 6B before a commissioner for taking Affidavits.

Refer to the General Information Sheet – “Serving Documents” for more information.

Step 5: File your documents at the court office and pick up the rest of the forms.

After the respondent has been served, and the Affidavit of Service has been completed, you must go back to the court office to file the documents.

At this time, you will prepare the Continuing Record. Most of the documents served and filed in the case will go into the Continuing Record. The court office may have a sample Continuing Record to help you. The court office will provide the materials needed to prepare the Continuing Record to parties who are not represented by a lawyer.

File all of the original documents in the Continuing Record. File the Affidavit of Service in the court file, not in the Continuing Record.

Complete the Table of Contents page and insert it at the front of the Continuing Record.

Refer to the General Information Sheet – "Filing Documents" for more information.

You should now pick up the following forms for the next stage in the process:

- An Affidavit for Divorce – Form 36
- A Divorce Order – Form 25A

Next Steps

The respondent will have an opportunity to review your application and must file an Answer if he or she wishes to oppose the divorce and to participate further.

If no Answer is served on you or filed at the court by the respondent within 30 days of having been served (60 days if outside Canada or the United States), you can then proceed to Step 6 to apply to the court for a Divorce Order.

If you receive an Answer and the claim is contested, you will need to refer to "Next Steps" in the *Applications Guide* as well as the complete *Case Conferences Guide*.

Step 6: Complete the second set of forms.

Fill in all forms carefully, follow all of the instructions on the forms and include all the information asked for.

There are samples of the forms at the end of this guide highlighting some of the important points about the forms; however, you may ask the Family Law Information Centre staff for information about completing the Affidavit for Divorce and Divorce Order.

Make copies of your forms as follows:

- 1 copy of your completed Affidavit for Divorce – Form 36, including attachments
- 4 copies of your completed Divorce Order – Form 25A (5 copies if your claim includes support)

One copy of the Affidavit of Divorce and draft Divorce Order are for you and the other copies of the draft Divorce Order are for the court.

Need help completing the forms? Go to the end of this guide for samples.

Step 7: File your documents with the court and pay any applicable fees.

File the following documents at the court office:

- The original Affidavit of Divorce
- The copies of the Divorce Order
- Two stamped addressed envelopes (*see page 2*)
- Your original Marriage Certificate (if not filed earlier)

Pay any applicable fees. You can find out more about fees at the court office.

Step 8: Obtain the Divorce Order.

Your file will be sent to a judge to be reviewed. If the judge is satisfied with the material, he or she will grant you a Divorce Order. Neither you nor the respondent is required to attend court to get the Divorce Order unless the court orders otherwise.

If the judge decides to grant the Divorce Order, the court office will sign the Order and send one copy to you and one to the respondent.

If the judge needs more information in order to grant the Divorce Order, the court office will contact you.

Remember that the Certificate of Divorce is the proof that the divorce has been granted. The Certificate of Divorce is not sent automatically and must be requested. Further information about this topic is found at the beginning of the guide.

Sample Forms

This section contains sample forms that parties will need to fill out when obtaining an Uncontested Divorce – General Application with Other Claims.

You may wish to visit the Family Law Information Centre to obtain information about completing court forms.


Some tips on completing all forms:

1. **Be neat.** These are court documents and the court will not take them if they are not neat or the court cannot read them. **All court forms must be typed or printed.**
2. Fill in the name and address of the court where you are filing the application at the top of all court documents.
3. Once court staff have provided a **court file number**, make sure it is on the upper right-hand corner of every page of **all** of your documents.
4. Make enough **copies** of your completed forms. In most cases you will need to make two copies: one to serve on the other party and one for your files. The original forms will be filed with the court in the Continuing Record.
5. When completing the forms, you are asked to fill in the address where documents can be served on you. If being served at your home address would put your physical safety at risk, speak to court or Family Law Information Centre staff about using an alternative address.

Form 8: Application (General) – General Application with Other Claims

This form should be completed by the person starting the case.

ONTARIO



(Name of court)

Court File Number

at _____

Court office address

Family Law Rules, O. Reg. 114/99
Form 8: Application (General)

Applicant(s)

<small>Full legal name & address for service – street & number, municipality, postal code, telephone & fax numbers and e-mail address (if any).</small>	<small>Lawyer's name & address – street & number, municipality, postal code, telephone & fax numbers and e-mail address (if any).</small>

Respondent(s)

<small>Full legal name & address for service – street & number, municipality, postal code, telephone & fax numbers and e-mail address (if any).</small>	<small>Lawyer's name & address – street & number, municipality, postal code, telephone & fax numbers and e-mail address (if any).</small>

TO THE RESPONDENT(S):
A COURT CASE HAS BEEN STARTED AGAINST YOU IN THIS COURT. THE DETAILS ARE SET OUT ON THE ATTACHED PAGES.

THE FIRST COURT DATE IS (date) _____ AT _____ a.m. p.m. or as soon as possible after that time, at: (address) _____

NOTE: If this is a divorce case, no date will be set unless an Answer is filed. If you have also been served with a notice of motion, there may be an earlier court date and you or your lawyer should come to court for the motion.

THIS CASE IS ON THE FAST TRACK OF THE CASE MANAGEMENT SYSTEM. A case management judge will be assigned by the time this case first comes before a judge.

THIS CASE IS ON THE STANDARD TRACK OF THE CASE MANAGEMENT SYSTEM. No court date has been set for this case but, if you have been served with a notice of motion, it has a court date and you or your lawyer should come to court for the motion. A case management judge will not be assigned until one of the parties asks the clerk of the court to schedule a case conference or until a notice of motion under subrule 14(5) is served before a case conference has been held. If, after 200 days, the case has not been scheduled for trial, the clerk of the court will send out a warning that the case will be dismissed in 30 days unless the parties file proof that the case has been settled or one of the parties asks for a case conference or a settlement conference.

IF YOU WANT TO OPPOSE ANY CLAIM IN THIS CASE, you or your lawyer must prepare an Answer (Form 10 – a blank copy should be attached), serve a copy on the applicant(s) and file a copy in the court office with an Affidavit of Service (Form 6B). **YOU HAVE ONLY 30 DAYS AFTER THIS APPLICATION IS SERVED ON YOU (60 DAYS IF THIS APPLICATION IS SERVED ON YOU OUTSIDE CANADA OR THE UNITED STATES) TO SERVE AND FILE AN ANSWER. IF YOU DO NOT, THE CASE WILL GO AHEAD WITHOUT YOU AND THE COURT MAY MAKE AN ORDER AND ENFORCE IT AGAINST YOU.**

FLR 8 (Rev. 04/03) Continued on next sheet →
(Français au verso)

Court File Number: This number is assigned to the case once the court file has been opened. All documents must have the proper court file number on them.

Applicant: That is the person starting the case. Fill in your full legal name, complete address, telephone number, fax number and e-mail address, if you have one.

Respondent: That is the person you are taking to court. Fill in the full name, complete address, telephone number, fax number and e-mail if they have one.

Throughout the form, check off the boxes that apply and give the information being asked for.

On page 4, there are a series of boxes that allow you to indicate the claims you are making.

Form 8: Application (General) (page 4) Court file number

CLAIM BY APPLICANT

I ASK THE COURT FOR THE FOLLOWING:
(Claims below include claims for temporary orders.)

Claims under the Divorce Act <i>(Check boxes in this column only if you are asking for a divorce and your case is in the Family Court of the Superior Court of Justice.)</i>	Claims under the Family Law Act or Children's Law Reform Act	Claims relating to property <i>(Check boxes in this column only if your case is in the Family Court of the Superior Court of Justice.)</i>
00 <input type="checkbox"/> a divorce	10 <input type="checkbox"/> support for me	20 <input type="checkbox"/> equalization of net family properties
01 <input type="checkbox"/> support for me	11 <input type="checkbox"/> support for child(ren) – table amount	21 <input type="checkbox"/> exclusive possession of matrimonial home
02 <input type="checkbox"/> support for child(ren) – table amount	12 <input type="checkbox"/> support for child(ren) - other than table amount	22 <input type="checkbox"/> exclusive possession of contents of matrimonial home
03 <input type="checkbox"/> support for child(ren) - other than table amount	13 <input type="checkbox"/> custody of child(ren)	23 <input type="checkbox"/> freezing assets
04 <input type="checkbox"/> custody of child(ren)	14 <input type="checkbox"/> access to child(ren)	24 <input type="checkbox"/> sale of family property
05 <input type="checkbox"/> access to child(ren)	15 <input type="checkbox"/> restraining/non-harassment order	
	16 <input type="checkbox"/> indexing spousal support	
	17 <input type="checkbox"/> indexing same-sex partner support	
	18 <input type="checkbox"/> declaration of parentage	
	19 <input type="checkbox"/> guardianship over child's property	
Other claims	50 <input type="checkbox"/> Other <i>(Specify,)</i>	
30 <input type="checkbox"/> costs		
31 <input type="checkbox"/> annulment of marriage		
32 <input type="checkbox"/> prejudgment interest		

Give details of the order that you want the court to make. *(Include any amounts of support (if known) and the names of the children for whom support, custody or access is claimed.)*

FLR 8 (Rev. 04/03) Continued on next sheet →
(Français au verso)

Check the boxes that apply to your claim (e.g. divorce, support, custody).

You must sign the form at the end and date it.

Registration of Divorce Proceeding Form – General Application with Other Claims

The Registration of Divorce Proceeding form only needs to be completed by one of the parties.

This form has 2 parts and is 3 pages in length. The party starting the case is to complete **part 1** and file it with their divorce application.

This is not a court form but is available from the court office.

Once the form is completed and sent in, the Central Registry of Divorce Proceedings will check their database to see if the same parties have registered any other divorce applications. If the check comes up clear, the Central Registry of Divorce Proceedings will issue a Clearance Certificate to the court.

The court cannot grant a divorce until the Clearance Certificate has been filed.

Government of Canada / Gouvernement du Canada		REGISTRATION OF DIVORCE PROCEEDING (The Divorce Act)	ENREGISTREMENT D'UNE DEMANDE D'ACTION EN DIVORCE (Loi sur le divorce)	Canada PROTECTED WHEN COMPLETED PROTÉGÉ LORSQUE COMPLÉTÉ
PART 1 - PARTIE 1				
<small>THIS COPY IS TO BE COMPLETED AND SENT ON THE DAY THE APPLICATION IS FILED, TO THE CENTRAL REGISTRY OF DIVORCE PROCEEDINGS, OTTAWA, ONTARIO, K1A 0H8 À REMPLIR ET À TRANSMETTRE LE JOUR MÊME DU DÉPÔT DE LA DEMANDE DE DIVORCE AU BUREAU D'ENREGISTREMENT DES ACTIONS EN DIVORCE, OTTAWA, ONTARIO, K1A 0H8</small>				
For Court Use Only / À l'usage de la cour seulement		Court No. Numéro du tribunal	Divorce Registry No. Numéro d'enregistrement	
Location where Divorce Proceeding filed Lieu du dépôt de la demande				
Registration of Divorce Proceeding transferred from: Demande d'action en divorce transférée de :				
THE FEES TO BE PAID ARE / LES FRAIS À PAYER SONT:				
<input type="checkbox"/> Attached Annexés		<input type="checkbox"/> Invoiced Quarterly Facturés par trimestre		<input type="checkbox"/> Exempt (Legal Aid) Non payable (Aide juridique)
1. PROV./TERR. AND DATE APPLICATION FILED / PROV./TERR. ET DATE DU DÉPÔT DE LA DEMANDE				
D-J M Y-A				
2. DATE OF MARRIAGE / DATE DU MARIAGE:				
D-J M Y-A				
3. APPLICANT(S) / DEMANDE DÉPOSÉE PAR:				
1 <input type="checkbox"/> Husband / Époux 2 <input type="checkbox"/> Wife / Épouse 3 <input type="checkbox"/> Joint / Conjointement				
HUSBAND - ÉPOUX		WIFE - ÉPOUSE		
4. Surname Nom		Surname (at birth) Nom (à la naissance)		
5. Full given name(s) Prénom(s) au complet :		Full given name(s) Prénom(s) au complet :		
6. Date of birth Date de naissance		Date of birth Date de naissance		
7. Marital status at time of marriage: État matrimonial lors du mariage:		Marital status at time of marriage: État matrimonial lors du mariage:		
1. <input type="checkbox"/> Never married / Jamais marié 2. <input type="checkbox"/> Widowed / Veuf 3. <input type="checkbox"/> Divorced / Divorcé		1. <input type="checkbox"/> Never married / Jamais mariée 2. <input type="checkbox"/> Widowed / Veuve 3. <input type="checkbox"/> Divorced / Divorcée		
8. REASON FOR MARRIAGE BREAKDOWN / FAIT ÉTABLISSANT L'ÉCHEC DU MARIAGE:				
1 <input type="checkbox"/> Separation for not less than 1 year / Séparation d'au moins 1 an 2 <input type="checkbox"/> Adultery / Adultère 3 <input type="checkbox"/> Physical cruelty / Cruauté physique 4 <input type="checkbox"/> Mental cruelty / Cruauté mentale				
SIGNATURE OF COURT OFFICIAL: SIGNATURE DU FONCTIONNAIRE DE LA COUR:		DATE SIGNED: DATE DE LA SIGNATURE:		
PART 2 - PARTIE 2				
<small>PART II OF THIS FORM IS TO BE COMPLETED AND SENT WITHIN 7 DAYS OF THE DISPOSITION OF THE DIVORCE PROCEEDING TO: CENTRAL REGISTRY OF DIVORCE PROCEEDINGS, OTTAWA, ONTARIO, K1A 0H8 À REMPLIR ET À TRANSMETTRE DANS LES 7 JOURS QUI SUIVENT LE JUGEMENT DE DIVORCE AU: BUREAU D'ENREGISTREMENT DES ACTIONS EN DIVORCE, OTTAWA, ONTARIO, K1A 0H8</small>				
9. DIVORCE OBTAINED / DIVORCE OBTENU:				
1 <input type="checkbox"/> Without hearing / Sans audience 2 <input type="checkbox"/> With hearing / Avec audition				
10. DATE OF JUDGEMENT: / DATE DU JUGEMENT:				
1 <input type="checkbox"/> Notice of discontinuance / Avis d'abandon				
2 <input type="checkbox"/> Application dismissed / Demande rejetée				
3 <input type="checkbox"/> Divorce transferred to: / Divorce transféré à:				
4 <input type="checkbox"/> Divorce granted / Divorce accordé				
11. <input type="checkbox"/> CHILDREN OF THE MARRIAGE / ENFANTS À CHARGE				
12. <input type="checkbox"/> CUSTODY ORDER / ORDONNANCE DE GARDE				
IF 12 APPLIES COMPLETE THE FOLLOWING / À REMPLIR SI L'ARTICLE 12 S'APPLIQUE				
CUSTODY GRANTED TO: GARDE ACCORDÉE:		BIRTHDATES OF THE CHILDREN OF THE MARRIAGE / DATE DE NAISSANCE DE CHACUN DES ENFANTS À CHARGE (Day, Month, Year)		
THE HUSBAND AU MARI				
THE WIFE À LA FEMME				
THE HUSBAND AND WIFE, JOINTLY AU MARI ET À LA FEMME, CONJOINTEMENT				
TO A PERSON OTHER THAN THE HUSBAND OR THE WIFE À UNE PERSONNE AUTRE QUE LE MARI OU LA FEMME				
SIGNATURE OF COURT OFFICIAL: SIGNATURE DU FONCTIONNAIRE DE LA COUR:		DATE SIGNED: DATE DE LA SIGNATURE:		
D-J M Y-A				
JUS 280 (2001/10)				

Form 13 and Form 13.1: Financial Statements

There are two Financial Statement forms – **Form 13: Financial Statement (Support Claims)** and **Form 13.1: Financial Statement (Property and Support Claims)**.

ONTARIO

Court File Number

(Name of Court)

at Court office address

Family Law Rules, O. Reg. 114/99
Form 13: Financial Statement (Support Claims) sworn/affirmed

Applicant(s)

Full legal name & address for service — street & number, municipality, postal code, telephone & fax numbers and e-mail address (if any).

Lawyer's name & address — street & number, municipality, postal code, telephone & fax numbers and e-mail address (if any).

ONTARIO

Court File Number

(Name of court)

at Court office address

Family Law Rules, O. Reg. 114/99
Form 13.1: Financial Statement (Property and Support Claims) sworn/affirmed

Applicant(s)

Full legal name & address for service — street & number, municipality, postal code, telephone & fax numbers and e-mail address (if any).

Lawyer's name & address — street & number, municipality, postal code, telephone & fax numbers and e-mail address (if any).

Respondent(s)

Full legal name & address for service — street & number, municipality, postal code, telephone & fax numbers and e-mail address (if any).

Lawyer's name & address — street & number, municipality, postal code, telephone & fax numbers and e-mail address (if any).

INSTRUCTIONS

1. USE THIS FORM IF:

- you are making or responding to a claim for property or exclusive possession of the matrimonial home and its contents; or
- you are making or responding to a claim for property or exclusive possession of the matrimonial home and its contents together with other claims for relief.

2. DO NOT USE THIS FORM AND INSTEAD USE FORM 13 IF:

- you are making or responding to a claim for support but NOT making or responding to a claim for property or exclusive possession of the matrimonial home and its contents.

1. My name is (full legal name) _____
I live in (municipality & province) _____
and I swear/affirm that the following is true:
My financial statement set out on the following (specify number) _____ pages is accurate to the best of my knowledge and belief and sets out the financial situation as of (give date for which information is accurate) _____ for

Check one or more boxes, as circumstances require.

me

the following person(s): (Give name(s) and relationship to you.) _____

Continued on next sheet →
(Français au verso)

FLR 13.1 (Rev. 04/03)

Use **Form 13** if you are making or responding to a claim for support, but are not making or responding to a claim for property or exclusive possession of the matrimonial home and its contents.

Use **Form 13.1** if you are making or responding to a claim for property or exclusive possession of the matrimonial home and its contents, whether a claim for support is also included or not.

Instructions about which form to use are provided on the first page of each form.

Sign at the end of the Financial Statement. The person signing is swearing or affirming that the Financial Statement is true. **It must be signed in front of a commissioner for taking affidavits.** This can be done at a lawyer's office, at a legal aid clinic, or at the Court Office. There may be a small fee for this service.

You must attach to the Financial Statement copies of your income tax returns and notices of assessment for the past **three** years and documents to prove how much income you get. If you don't have this information, you need to complete **Form 13A**.

You must file the Financial Statement in the Continuing Record, with the past three years notices of assessment or Form 13A. You are not required to file the past three years income tax returns in the Continuing Record, unless the court orders otherwise.

Both the applicant and the respondent are required to **update** their Financial Statements at each new stage in the case. If the previous Financial Statement filed is more than 30 days old, a party must serve the other party and file with the court:

- A new **Financial Statement (Support Claims) – Form 13** or **Financial Statement (Property and Support Claims) – Form 13.1** (if applicable)

OR

- An **Affidavit – Form 14A** indicating either that there is no change from the last financial statement filed or that the changes are minor (include details of any changes).

Updated financial information must be served and filed according to the chart below:

Step in case	Who serves and files financial statement first?	When?	When does responding party serve and file?
Case/settlement conference requested by a party	Requesting party	At least 7 days before the date of the conference	At least 4 days before the date of the conference
Case/settlement conference not requested by a party	Applicant	At least 7 days before the date of the conference	At least 4 days before the date of the conference
Motion	Party making the motion	At least 7 days before the date of the motion	At least 4 days before the date of the motion
Trial	Applicant	At least 7 days before the date of the trial	At least 4 days before the date of the trial

Form 13A: Direction to Canada Customs and Revenue Agency

If you are completing a Financial Statement, you must provide copies of your income tax returns and notices of assessment for the past **three** years.

The Direction to Canada Customs and Revenue Agency (CCRA) – Form 13A should be filled out if you cannot easily obtain copies of your income tax returns and notices of assessment. This form will allow CCRA to send copies of your income and deduction printouts to the other party. Once the other party receives the information from CCRA, he or she should serve you with a copy.

ONTARIO		<div style="border: 1px solid black; width: 100px; height: 20px; margin-bottom: 5px;"></div> Court File Number
_____ <i>(Name of court)</i>		<small>Family Law Rules, O. Reg. 114/99</small> Form 13A: Direction to Canada Customs and Revenue Agency
at _____ <i>Court office address</i>		
Applicant(s)		
<small>Full legal name & address for service — street & number, municipality, postal code, telephone & fax numbers and e-mail address (if any).</small>	<small>Lawyer's name & address — street & number, municipality, postal code, telephone & fax numbers and e-mail address (if any).</small>	
Respondent(s)		
<small>Full legal name & address for service — street & number, municipality, postal code, telephone & fax numbers and e-mail address (if any).</small>	<small>Lawyer's name & address — street & number, municipality, postal code, telephone & fax numbers and e-mail address (if any).</small>	
TO THE CANADA CUSTOMS AND REVENUE AGENCY:		
My name is <i>(full legal name)</i>		
My latest address shown on tax records is:		
.....		
.....		
My social insurance number is:		
I authorize the Canada Customs and Revenue Agency to release to <i>(name and address of other party or other party's lawyer)</i>		
.....		
.....		
.....		
copies of income and deduction printouts showing my income as assessed by the Canada Customs and Revenue Agency for the following years:		
.....		
<div style="border: 1px solid black; padding: 5px; margin-top: 10px;"> <small>Ontario's Family Law Rules require the release of this information which will be used in this case only for:</small> <ul style="list-style-type: none"> • a claim for support, property or exclusive possession of the matrimonial home and its contents; or • any other purpose ordered by the court. <small>I understand that this information will become part of the court file, which is a public record.</small> </div>		
_____ <i>Date of signature</i>	_____ <i>Signature of taxpayer</i>	
<small>FLR 13A (07/01) (Français au verso)</small>		

The address of the other party goes here.

Form 6B: Affidavit of Service – General Application with Other Claims

This form should be completed when **any** documents are served on the other party.

ONTARIO

Court File Number

(Name of court)

Family Law Rules, O.Reg. 114/99
Form 6B: Affidavit of Service
sworn/affirmed

at -----
Court office address

.....

Applicant(s)

Full legal name & address for service — street & number, municipality, postal code, telephone & fax numbers and e-mail address (if any).	Lawyer's name & address — street & number, municipality, postal code, telephone & fax numbers and e-mail address (if any).

Respondent(s)

Full legal name & address for service — street & number, municipality, postal code, telephone & fax numbers and e-mail address (if any).	Lawyer's name & address — street & number, municipality, postal code, telephone & fax numbers and e-mail address (if any).

My name is (full legal name)

I live in (municipality & province)

and I swear/affirm that the following is true:

1. On (date), I served (name of person to be served)

with the following document(s) in this case:

Name of document	Author (if applicable)	Date when document signed, issued, sworn, etc.

List the documents served

NOTE: You can leave out any part of this form that is not applicable.

2. I served the documents mentioned in paragraph 1 by:

<input type="checkbox"/>	special service. (Go to paragraph 3 below if you used special service.)
<input type="checkbox"/>	mail. (Go to paragraph 4 if you used mailed service.)
<input type="checkbox"/>	courier. (Go to paragraph 5 if you used courier.)
<input type="checkbox"/>	deposit at a document exchange. (Go to paragraph 6 if you used a document exchange.)
<input type="checkbox"/>	fax. (Go to paragraph 7 if you used fax.)
<input type="checkbox"/>	substituted service or advertisement. (Go to paragraph 8 if you used substituted service or advertisement.)

3. I carried out special service of the document(s) on the person named in paragraph 1 at (place or address)

by:

<input type="checkbox"/>	leaving a copy with the person.
<input type="checkbox"/>	leaving a copy with (name)
	<input type="checkbox"/> who is a lawyer who accepted service on the person's behalf.
	<input type="checkbox"/> who is the person's lawyer of record.
	<input type="checkbox"/> who is the (office or position)
	of the corporation named in paragraph 1.

Continued on next sheet
(Français au verso)

FLR 6B (05/02)

Complete the court address and the court file number.

Applicant Information & Respondent Information: If either party has moved put in the new address.

In addition to the date served, it is a good idea to indicate the **time**.

Provide additional details about the person who you served, if possible (e.g. Jane Doe, Receptionist at Family Child and Services).

List the document(s) that were served.

Check one of the boxes indicating how the document(s) were served. For more information about the types of service, refer to the General Information Sheet – “Serving Documents.”

The person who served the documents must sign at the end of the Affidavit swearing or affirming that the affidavit is true. **The Affidavit must be signed in front of a commissioner for taking affidavits.** This can be done at a lawyer’s office, at a legal aid clinic or at the court office. There may be a small fee for this service.

When completed, **Form 6B** must be filed in the court file, not in the Continuing Record.

Form 36: Affidavit for Divorce – General Application with Other Claims

This form is to be completed by the party who started the case and **must be filed with the Divorce Order – Form 25A.**

ONTARIO

Court File Number

(Name of court)

Family Law Rules, O.Reg. 114/99

at _____
Court office address

Form 36: Affidavit for Divorce

Applicant(s)

<small>Full legal name & address for service — street & number, municipality, postal code, telephone & fax numbers and e-mail address (if any).</small>	<small>Lawyer's name & address — street & number, municipality, postal code, telephone & fax numbers and e-mail address (if any).</small>

Respondent(s)

<small>Full legal name & address for service — street & number, municipality, postal code, telephone & fax numbers and e-mail address (if any).</small>	<small>Lawyer's name & address — street & number, municipality, postal code, telephone & fax numbers and e-mail address (if any).</small>

My name is (full legal name)

I live in (municipality and province)

and I swear/affirm that the following is true:

1. I am the applicant in this divorce case.
2. There is no chance of a reconciliation between the respondent and me.
3. All the information in the application in this case is correct, except:
(State any corrections or changes to the information in the application. Write "NONE" if there are no corrections or changes.)
.....
4. The certificate or registration of my marriage to the respondent has been signed and sealed by the Registrar General of Ontario and:
 - has been filed with the application.
 - is attached to this affidavit.
- The certificate of my marriage to the respondent was issued outside Ontario. It is called (title of certificate)
.....
It was issued at (place of issue)
on (date)
by (name and title of person who issued certificate)
and the information in it about my marriage is correct.
- I have not been able to get a certificate or registration of my marriage. I was married to the respondent on (date)
.....
at (place or marriage)
The marriage was performed by (name and title)
who had the authority to perform marriages in that place.

Continued on next sheet
(Français au verso)

FLR 36 (06/00)

Page 1 of the form is similar to all other forms (i.e. applicant and respondent information is required).

Fill in the blanks with the information asked for and check off the boxes that apply.

Indicate if you are unable to provide your marriage certificate. Further information about this subject is detailed at the beginning of this guide.

Court File Number

Form 36: Affidavit for Divorce (page 2)

5. The legal basis for the divorce is:
 that the respondent and I have been separated for at least one year. We separated on (date)
 (Other, specify.)

6. I do not know about and I am not involved in any arrangement to make up or to hide evidence or to deceive the court in this divorce case.

Strike out the following paragraphs if they do not apply.

7. I do not want to make a claim for a division of property in this divorce case, even though I know that it may be legally impossible to make such a claim after the divorce.

8. I want the divorce order to include the following paragraph numbers of the attached consent, settlement, separation agreement or previous court order: (List the numbers of the paragraphs that you want included in the divorce order.)

9. There are (number) children of the marriage. They are:

Full legal name of child	Birth date (d,m,y)

10. The custody and access arrangements for the child(ren) are as follows: (Give summary.)
.....
.....
.....
.....
.....
.....
.....
.....

11. These are the arrangements that have been made for the support of the child(ren) of the marriage:

(a) The income of the party paying child support is \$ per year.

(b) The number of children for whom support is supposed to be paid is (number)

(c) The amount of support that should be paid according to the applicable table in the child support guidelines is \$ per month.

(d) The amount of child support actually being paid is \$ per month.

(NOTE: - Where the dollar amounts in clauses [c] and [d] are different, you must fill out the frame on the next page. If the amounts in clauses [c] and [d] are the same, skip the frame and go directly to paragraph 12.)

Continued on next sheet
(Français au verso)

FLR 36 (06/00)

Strike out sections 7 and 8 on page 2 if they do not apply to you.

If applicable, complete sections 9, 10 and 11.

If you are completing section 11(c), speak to Family Law Information Centre staff about obtaining the Child Support Guidelines Kit.

Sign at the end of the affidavit on page 4. The person signing is swearing or promising that the affidavit is true. **It must be signed in front of a commissioner for taking affidavits.** This can be done at a lawyer's office, at a legal aid clinic or at the court office. There may be a small fee for this service.

Form 25A: Divorce Order – General Application with Other Claims

This form is to be completed by the party who started the case and must be filed with an Affidavit for Divorce – Form 36.

ONTARIO

Court File Number

(Name of court)

Family Law Rules, O.Reg. 114/99

at Court office address

Form 25A: Divorce Order

Applicant(s)

Full legal name & address for service — street & number, municipality, postal code, telephone & fax numbers and e-mail address (if any).

Lawyer's name & address — street & number, municipality, postal code, telephone & fax numbers and e-mail address (if any).

Judge (print or type name)

Respondent(s)

Full legal name & address for service — street & number, municipality, postal code, telephone & fax numbers and e-mail address (if any).

Lawyer's name & address — street & number, municipality, postal code, telephone & fax numbers and e-mail address (if any).

Date of order

The court considered an application of (name)

ON (date)

~~The following persons were in court (give names of parties and lawyers in court. This paragraph may be struck out if the divorce is uncontested.)~~

.....

The court received evidence and considered submissions on behalf of (name or names)

.....

THIS COURT ORDERS THAT:

1. (full legal names of spouses)

who were married at (place)

on (date)

be divorced and that the divorce take effect 31 days after the date of this order.

(Add further paragraphs where the court orders other relief.)

If the court decides that the divorce should take effect earlier, replace "31" with the smaller number.

Continued on next sheet
(Français au verso)

FLR 25A (01/00)

Page 1 of the form is similar to all other forms (i.e. applicant and respondent information is required). **Be sure to note if there has been a change of address.**

Draw a line through the paragraph "The following persons were in court...", as the divorce was uncontested.

At the bottom of page 2, leave the date of signature and signature line blank. The court will complete this information if the Order is granted.