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A Guide to Family Procedures in the Superior Court of Justice



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Revised July 2004

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Superior Court of Justice

*Ce guide est également
disponible en français.*

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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.*

Introduction to the Family Courts in Ontario

In Ontario, there are three different courts that deal with family law cases:

- Family Court,
- Superior Court of Justice, and
- Ontario Court of Justice.

It is a good idea to check with court staff to make sure that you are in the right court before you begin an application.

Family Court

The Family Court (sometimes referred to as the unified Family Court) is a branch of the Superior Court of Justice and is located in the following centres across Ontario: Barrie, Bracebridge, Brockville, Cobourg, Cornwall, Hamilton, Kingston, L'Orignal, Lindsay, London, Napanee, Newmarket, Oshawa, Ottawa, Perth, Peterborough, and St. Catharines.

The Family Court also sits regularly in Huntsville, Collingwood, Midland and Orillia.

The Family Court is the only court in Ontario that can hear **all** types of family law cases, including cases involving:

- Divorce;
- Child support;
- Spousal support;
- Support enforcement;
- Custody of, and access to, children;
- Division of family property;

- Exclusive possession of the family home;
- Trust claims and claims for unjust enrichment;
- Adoption; and
- Child protection.

Outside of Family Court locations, family law matters are dealt with in the Superior Court of Justice or the Ontario Court of Justice

Superior Court of Justice

The Superior Court of Justice can hear family law cases involving the same types of issues as those in the Family Court, except for adoption and child protection cases. These types of cases can only be heard in the Family Court or Ontario Court of Justice.

Ontario Court of Justice

The Ontario Court of Justice can hear family law cases involving the same types of issues as the Family Court, except for cases involving divorce, the division of family property, or exclusive possession of the family home. These types of cases can only be heard in the Superior Court of Justice or the Family Court.

Services at Family Courts

Family Law Information Centre (FLIC)

All court locations have a Family Law Information Centre (FLIC). A FLIC is an area in the court house where you can get free information and help about issues related to separation and divorce and other family law matters. It is a good idea to get this information before making important decisions.

Court staff can provide you with information about family law, such as brochures, pamphlets, and self-help guides.

An Advice Lawyer from Legal Aid Ontario is available at the FLIC at certain times. An Advice Lawyer:

- Can give you general legal information on family law matters free of charge, and
- In certain circumstances, may be able to give you legal advice specific to your case.

At the 17 Family Court locations, an Information and Referral Coordinator is also available to provide specific community information and referral supports.

The services of the FLIC are available to any member of the public, and may assist people whether or not a court case has been started.

Parent Information Sessions

The 17 Family Court locations sponsor parent information sessions that provide parents with information about the effects of separation and divorce on children and advice about how they can resolve

disputes in ways that focus on their children's best interests.

All parents involved in a separation, or contemplating separation, may attend these sessions. Also, judges may recommend that parties to custody and access disputes participate in them. Arrangements will be made to ensure that each parent attends a separate session.

At the Superior Court of Justice in Toronto, all parties in contested matters are required to attend a Family Information Session. Parties are not permitted to proceed to the next step in the case unless they have a certificate of attendance. Judges can make exceptions in cases of urgency, hardship or for other compelling reasons.

Staff at the FLIC can provide information about the availability of information sessions in your area.

Family Mediation

Family mediation is a way of helping people resolve issues relating to parenting, separation, and/or divorce. A trained family mediator helps people identify issues and work out their own solutions. You can try mediation before you start a court case or at any time during your court case.

Court connected family mediation services are available at the 17 Family Court locations.

Some other court locations may also offer family mediation services.

Check with the Family Law Information Centre at your local court house for more information.

An Overview of the Court Process

The Judges

The Family Court, Superior Court of Justice, and Ontario Court of Justice are courts of law. The judges who hear cases in the Family Court and in the Superior Court of Justice are Justices of the Superior Court of Justice. The judges who hear cases in the Ontario Court of Justice are Justices of the Ontario Court of Justice. Their duties are to decide cases that come before them, based on the evidence and the law. Judges must be neutral and impartial and cannot give legal advice and assistance to the parties in a case.

Parties should **not** attempt to contact judges to discuss their cases. Judges can only speak with parties at a properly scheduled proceeding. Parties should contact their lawyers, or the Advice Lawyer at the Family Law Information Centre, if they wish to bring a matter to the attention of a judge.

The Law

Much of the law of the family is set out in statutes such as the *Divorce Act*, *The Family Law Act*, *The Children's Law Reform Act* and *The Child and Family Services Act*. A considerable amount of family law is also contained in written decisions of judges, known as "case law."

Family law can be very complex. The Family Law Information Centres have a brochure available to the public, "*What you should know about Family Law in Ontario*." This brochure provides an overview of family law in Ontario, but you should get advice from a lawyer on how the law applies to your case.

Representation in Court

It is strongly recommended that people who have cases in court retain lawyers to represent them in court. If you cannot afford a lawyer, you may be able to get help from your local Legal Aid office. (See your telephone directory under *LEGAL AID*).

Clients who represent themselves are responsible for informing themselves about the law and the court's procedures. They will be held to the same standard as parties who have lawyers representing them.

The Procedural Rules

The procedural rules used for all cases in the Family Court and all family cases in the Superior Court of Justice and Ontario Court of Justice are called the *Family Law Rules*.

One of the goals of these rules is to promote the early resolution of family cases. Earlier settlements not only save parties a great deal of time and money, they also help to promote greater family harmony.

The diagram on page 5 of this guide shows the steps in a typical family case. You will see that the emphasis is on settlement before trial.

Procedural Guides

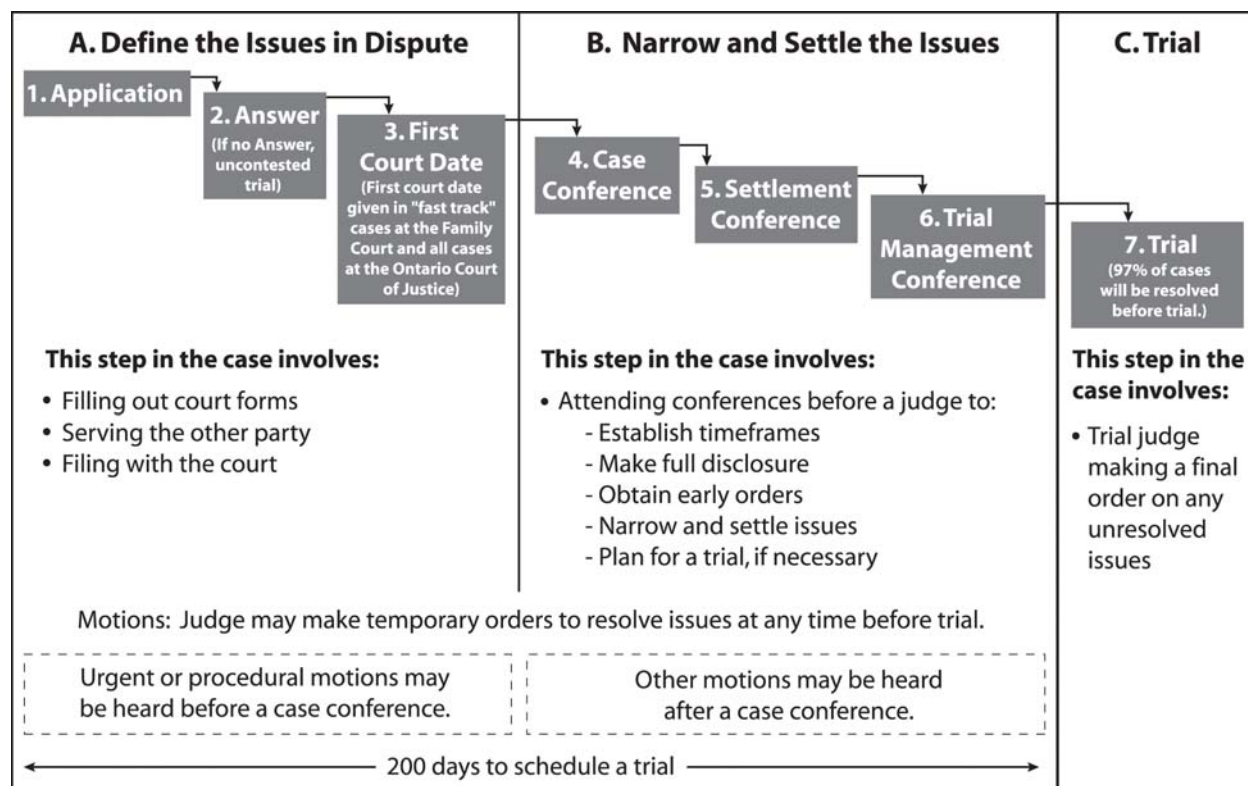
Everyone in the court must follow the procedural rules. Parties who are not familiar with the rules may obtain some assistance with court forms and procedures from staff at the Family Law Information Centres. It is important to remember staff must be neutral and impartial and cannot give legal advice.

All Family Law Information Centres have the following procedural guides available to the public on how to process matters that are not complex:

- **Applications:** A step-by-step description of what you must do to start a court case.
- **Answers:** Instructions on how to respond to a court case.
- **First Court Date and Case Conferences** (Family Court and Ontario Court of Justice only): A discussion of the “first court date” and a description of how to prepare for a case conference.
- **Case Conferences** (Superior Court of Justice only): A description of how to prepare for a case conference.
- **Motions:** A discussion of the purpose of motions as well as information on how to go about bringing a motion in court.
- **Uncontested Divorce** (Family Court and Superior Court of Justice only): A step-by-step process on how to obtain an uncontested divorce.
- **General Information Sheets:** Instructions on the following topics of general interest to family court clients: serving documents; filing documents; going to court.
- **Financial Statements:** A discussion of the purpose of a Financial Statement, instructions on which Financial Statement form to use, and tips on completing the form.

These guides provide a general overview of the process; some steps may vary in different court locations. These guides do not provide legal advice. Parties are encouraged to seek legal advice where possible.

Steps in a Case





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It is recommended that all parties in the
Superior Court of Justice seek legal advice
where possible.*

Part 2: Applications

A family case is started by bringing an Application. The Application sets out the issues that the court is being asked to resolve.

If you are bringing an Application, you are called the “applicant.” The other party is called the “respondent.” The steps in bringing an Application are described below.

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

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

Generally, you should start your case:

- In the municipality where you live; or
- In a custody and/or access case, in the municipality where the children live.

In emergency situations, it is possible to start part of a case in a different municipality. Emergency situations are ones where there is an immediate danger to your child(ren) or your health and safety or there is an immediate danger that a child may be removed from Ontario. Once these initial urgent issues are resolved, your case will probably be transferred to the court in the correct municipality.

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:

For most cases:

- An Application – Form 8

For uncontested divorce cases:

- An Application (Divorce) – Form 8A
(Refer to the *Uncontested Divorce Guide* for more information.)

You will also need:

- An Affidavit of Service – Form 6B
- A Table of Contents page for the Continuing Record (This is not a court form, but it 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 (Refer to the *Financial Statements Guide* for more information.)

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 (Refer to the *Financial Statements Guide* for more information.)

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 it 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 cases you need:

- A Summary of Court Cases – Form 8E

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. Note that if you are claiming support or property, court staff cannot accept your application without a completed Financial Statement.

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 from the court office.

- Put the Support Deduction Order Information Form in the file (if applicable).

3. Put the court file number in the upper right-hand corner on every page of all of your forms.
4. Fill in the name, date of the document and date of filing of all the forms you have completed and will be serving on the other party in the Table of Contents page.
5. Make **two** copies of:
 - Your completed Application – Form 8
 - Your completed Financial Statement (Support Claims) – Form 13 or Financial Statement (Property and Support Claims) – Form 13.1 or Net Family Property Statement – Form 13B (if applicable)
 - The completed Table of Contents page

One copy of these documents is for your files. The other copy will be served on the respondent (*see Step 4*). The originals will be filed in the Continuing Record (*see Step 5*).

Step 4: Serve the respondent with the documents.

Arrange to provide the respondent with a copy of:

- Your completed Application;
- Your completed Financial Statement and Net Family Property Statement (if applicable);
- The Table of Contents page.

You should also serve a blank Answer – Form 10, and if applicable, a blank Financial Statement (Support Claims) - Form 13 or 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 accepted by 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.

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

1. Prepare the Continuing Record for your case. 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.
2. File all the original documents in the Continuing Record. File the Affidavit of Service in the court file, not in the Continuing Record.
3. Insert the completed Table of Contents page at the front of the Continuing Record.

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

Next Steps

Answer

The respondent will have an opportunity to review your Application and must file an Answer within the time set out in the court rules if he or she wishes to participate further.

Reply

You can respond to the Answer within the time set out in the court rules by way of a Reply – Form 10A. You may wish to file a Reply if the Answer raises new issues that were not addressed in the Application.

Case Conference

The next step may be a case conference. Pick up a copy of the *Case Conference Guide* to familiarize yourself with the process and the forms that will be needed.

Emergency Motions

If you are in a situation of **hardship or urgency**, for example:

- You need a restraining order because of an immediate danger to the health or safety of you or your child; or
- Your child is in danger of being removed from Ontario; or
- You are in dire and immediate need of support for yourself or your child;

you may request a temporary order from the court by bringing a motion with your application.

Refer to the Motions Guide for more information.

Sample Forms

This section contains sample forms that parties will need to fill out when filing an Application.

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)

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

ONTARIO

SEAL

at _____
(Name of court)
Court office address

Court File Number

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

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).

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. **If your address changes you must immediately serve notice of the change on the other parties and file it with the court.**

Respondent: That is the person you are taking to court. In most family cases this will be your spouse or partner. Fill in the full name, complete address, telephone number, fax number and e-mail if they have one.

Court staff will fill out information about the case management system and sign the form once the documents have been filed.

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

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).

Copy for archive purposes. Please consult original publisher for current version.
Copie à des fins d'archivage. Veuillez consulter l'éditeur original pour la version actuelle.

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.) _____

FLR 13.1 (Rev. 04/03)

Continued on next sheet →
(Français au verso)

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

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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

Court File Number

Family Law Rules, O. Reg. 114/99

Form 13A: Direction to Canada Customs and Revenue Agency

(Name of court)

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).

TO THE CANADA CUSTOMS AND REVENUE AGENCY:

My name is (full legal name)

My latest address shown on tax records is:

My social insurance number is:

I authorize the Canada Customs and Revenue Agency to release to (name and address of other party or other party's lawyer)

The address of the other party goes here.

copies of income and deduction printouts showing my income as assessed by the Canada Customs and Revenue Agency for the following years:

Ontario's Family Law Rules require the release of this information which will be used in this case only for:

a claim for support, property or exclusive possession of the matrimonial home and its contents; or

any other purpose ordered by the court.

I understand that this information will become part of the court file, which is a public record.

Date of signature

Signature of taxpayer

FLR 13A (07/01)

(Français au verso)

Form 6B: Affidavit of Service

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:

Check one box only and go to indicated paragraph.

☐ special service. (Go to paragraph 3 below if you used special service.)

☐ mail. (Go to paragraph 4 if you used mailed service.)

☐ courier. (Go to paragraph 5 if you used courier.)

☐ deposit at a document exchange. (Go to paragraph 6 if you used a document exchange.)

☐ fax. (Go to paragraph 7 if you used fax.)

☐ 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:

Check one box only. Strike out paragraphs 4 to 8 and go to paragraph 9.

☐ leaving a copy with the person.

☐ leaving a copy with (name)

☐ who is a lawyer who accepted service on the person's behalf.

☐ who is the person's lawyer of record.

☐ 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.

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Superior Court of Justice

Ce guide est également disponible en français.

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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 3: Answers

If an Application is brought against you, you are the “respondent” in the case. The other party is called the “applicant.” The following discussion will assist you in responding to an Application.

To start a case, the applicant will serve you with several documents. These documents include:

- The applicant’s completed Application – Form 8
- A copy of the Table of Contents from the Continuing Record, showing the documents served on you.

If the applicant is requesting support or makes a claim in relation to property, you will also be served with:

- The applicant’s completed Financial Statement – Form 13 or Form 13.1 or Net Family Property Statement – Form 13B, as applicable.

Step 1: Read the documents you receive from the applicant.

The first page of the Application has information that applies to you, the respondent.

If you do not agree with any of the applicant’s claims, you must serve and file an Answer – Form 10 within 30 days of having been served with the Application, or 60 days if you were served outside Canada or the United States.

Step 2: Pick up the forms you need.

If the forms that you need were not included in the information provided by the applicant, you can pick them up at the court office.

If you are responding to an Application you need:

- An Answer – Form 10
- An Affidavit of Service – Form 6B

If you are making or responding to a claim for support, but you are not making or responding to a claim for property or exclusive possession of the matrimonial home and its contents, you need:

- A Financial Statement (Support Claims) – Form 13

If you are making or responding to a claim for property or exclusive possession of the matrimonial home and its contents, whether or not you are also making or responding to a claim for support, you need:

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

Whether or not you serve an Answer, if support or property or exclusive possession of the matrimonial home and its contents has been claimed on the application, you are required to serve and file a Financial Statement.

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 (This is not a court form but is available at the court office.)

If you are making a claim in relation to property, or one has been made in the Application, you need:

- A Net Family Property Statement – Form 13B

Refer to the Financial Statements Guide for more information.

Step 3: Fill in the forms.

1. Fill in all forms carefully, follow all instructions on the forms, and include all the information asked for.
2. Update the Table of Contents page from the Continuing Record by adding all of the forms you are completing and will be serving on the Applicant.
3. Make **two** copies of:
 - Your completed Answer – Form 10
 - Your completed Financial Statement (Support Claims) – Form 13 or Financial Statement (Property and Support Claims) – Form 13.1
 - The updated Table of Contents

Keep one copy of the documents for your file. Keep a second copy of all documents to serve on the applicant (see *Step 4*). The originals will be filed at the court office (see *Step 5*).

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

Step 4: Serve the applicant with the documents.

1. Arrange to provide the applicant with a copy of:
 - Your completed Answer
 - Your completed Financial Statement/Net Family Property Statement (if applicable)
 - The updated Table of Contents

In most cases, you can serve the applicant with your documents by mailing them to the applicant's lawyer or if none, to the applicant.

2. After the applicant has been served, 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.

After the applicant has been served and the Affidavit of Service has been completed, you must go back to the court office to file the originals of all the documents you served, together with the Affidavit of Service. Most of the documents served and filed in the case will go into the Continuing Record. The Affidavit of Service is filed in the court file, not in the Continuing Record.

At the same time, you should update the Table of Contents at the front of the Continuing Record.

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

Remember:

If you do not file an Answer and/or Financial Statement within 30 days (60 days if served outside Canada or the United States), the judge may make a decision based on the applicant’s evidence alone. You will have to get the applicant’s consent in writing, or an order from the judge, to file your Answer and/or Financial Statement after the time limit.

If you receive documents from Canada Customs and Revenue Agency, make sure you serve them on the applicant and file them as soon as you receive them.

Step 6: Pay any applicable fees.

There may be a fee for filing your Answer. You may pay this fee with cash, cheque or money order payable to the “Minister of Finance.” You can find out more about the fees at the court office.

Next Steps

Reply

The applicant will have an opportunity to review your Answer and may file a Reply – Form 10A within the time set out in the court rules.

Case Conference

Your next step may be a case conference. Pick up a copy of the *Case Conference Guide* to familiarize yourself with the process and the forms that will be needed.

Emergency Motions

If you are in a situation of **hardship or urgency**, for example:

- You need a restraining order because of an immediate danger to the health or safety of you or your child; or
- Your child is in danger of being removed from Ontario; or
- You are in dire and immediate need of support for yourself or your child;

you may request a temporary order from the court by bringing a motion with your application.

Refer to the Motions Guide for more information.

Sample Forms

This section contains sample forms that you will need to fill out when filing an Answer.

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 the application was filed at the top of all court documents.
3. Make sure the **court file number** 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 10: Answer

This form should be completed by the party responding to the case.

The Answer form allows you to make your own claim if some issues are not dealt with in the Application. Your claim might be against the applicant or against any other person.

ONTARIO

Court File Number

(Name of court)

Family Law Rules, O. Reg. 114/99
Form 10: Answer

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).

Name & address of Children's Lawyer's agent for service (street & number, municipality, postal code, telephone & fax numbers and e-mail address (if any)) and name of person represented.

INSTRUCTIONS: Financial Statement

COMPLETE A FINANCIAL STATEMENT (Form 13) IF:

- you are making or responding to a claim for spousal support; or
- you are responding to a claim for child support; or
- you are making a claim for child support in an amount different from the table amount specified under the Child Support Guidelines.

You must complete all parts of the form **UNLESS** you are **ONLY** responding to a claim for child support in the table amount specified under the Child Support Guidelines **AND** you agree with the claim. In that case, only complete Parts 1, 2 and 3.

COMPLETE A FINANCIAL STATEMENT (Form 13.1) 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.

TO THE APPLICANT(S):
If you are making a claim against someone who is not an applicant, insert the person's name and address here:

AND TO: (full legal name) _____ an added respondent,
of (address of added party) _____

My name is (full legal name) _____

1. I agree with the following claim(s) made by the applicant: (Refer to the numbers alongside the boxes on page 3 of the application form.)

FLR 10 (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: This is the person who started the case.

Respondent: Fill in your full legal name, complete address, telephone number, fax number and e-mail address, if you have one. **If your address changes you must immediately serve notice of the change on the other parties and file it with the court.**

You can agree with the parts of the applicant's claim and description of family history that you accept. On the next page, you can list the parts of the claim that you do not accept. There is also space for you to fill in the facts on which you rely and that you would like the judge to know.

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

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).

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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.) _____

FLR 13.1 (Rev. 04/03)

Continued on next sheet →
(Français au verso)

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

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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

Court File Number

Family Law Rules, O. Reg. 114/99

Form 13A: Direction to Canada Customs and Revenue Agency

(Name of court)

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).

TO THE CANADA CUSTOMS AND REVENUE AGENCY:

My name is (full legal name)

My latest address shown on tax records is:

My social insurance number is:

I authorize the Canada Customs and Revenue Agency to release to (name and address of other party or other party's lawyer)

The address of the other party goes here.

copies of income and deduction printouts showing my income as assessed by the Canada Customs and Revenue Agency for the following years:

Ontario's Family Law Rules require the release of this information which will be used in this case only for:

a claim for support, property or exclusive possession of the matrimonial home and its contents; or

any other purpose ordered by the court.

I understand that this information will become part of the court file, which is a public record.

Date of signature

Signature of taxpayer

FLR 13A (07/01)

(Français au verso)

Form 6B: Affidavit of Service

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:

Check one box only and go to indicated paragraph.

- ☐ special service. (Go to paragraph 3 below if you used special service.)
- ☐ mail. (Go to paragraph 4 if you used mailed service.)
- ☐ courier. (Go to paragraph 5 if you used courier.)
- ☐ deposit at a document exchange. (Go to paragraph 6 if you used a document exchange.)
- ☐ fax. (Go to paragraph 7 if you used fax.)
- ☐ 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:

Check one box only. Strike out paragraphs 4 to 8 and go to paragraph 9.

- ☐ leaving a copy with the person.
- ☐ leaving a copy with (name) _____
 - ☐ who is a lawyer who accepted service on the person's behalf.
 - ☐ who is the person's lawyer of record.
 - ☐ 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.

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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 4: Case Conferences

Case Management

In the Superior Court of Justice, a court date will not automatically be set when the Application is filed. In most cases, the first step will be a case conference, scheduled on the request of one of the parties.

Case Conference

A case conference is the first opportunity for all parties to discuss the case with a judge. If either or both of them have hired lawyers, the lawyers will attend as well.

At least one case conference must take place in all cases in which the respondent files an Answer.

The Purpose

A case conference is a very important step toward resolving your dispute. There are a number of things that you can achieve at a case conference.

You can:

- Identify the issues that are in dispute and those that are not in dispute;
- Explore ways to resolve issues or to settle the whole case;
- Make sure that both parties exchange all relevant information needed to reach a fair result;
- Organize another meeting, if necessary, or agree on next steps in the case including a timetable;
- Ask the judge to make a temporary or final order.

Normally a case conference is held in person. However, if the judge agrees in advance, a case conference may be held

by telephone or video conference. The party who has obtained the judge's permission must make all the arrangements and notify the other party and the court of these arrangements.

Preparing for a Case Conference

Step 1: Set the case conference date.

A case conference date will be set when either party requests one. It is a good idea to ask for a date early on in the process.

Step 2: Pick up the following forms when you ask for a conference date.

You will need the following documents for a case conference:

- A Conference Notice – Form 17
- A Case Conference Brief – Form 17A
- A copy of the Table of Contents from the Continuing Record
- A Confirmation of Attendance – Form 14C
- An Affidavit of Service – Form 6B

If your case involves a claim for support (but does not include a claim for property) and it is more than 30 days since you made your last Financial Statement, you need:

- A Financial Statement (Support Claims) – Form 13

If your case involves a claim for property (whether or not it also includes a claim for support) and it is more than 30

days since you made your last Financial Statement, you need:

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

In either case, you may need

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

If your case involves a property claim you need:

- A Net Family Property Statement – Form 13B

Refer to the Financial Statements Guide for more information.

Step 3: Fill out the court documents.

The Conference Notice

If you are asking for the case conference, you must fill out a Conference Notice – Form 17. This will let the respondent know that you have scheduled the case conference on a particular date and that he or she is expected to attend on that date.

The Case Conference Brief

The Case Conference Brief – Form 17A asks for detailed information. Taking the time to complete the form carefully is important as it can result in the case conference being more efficient and helpful in resolving your dispute.

If the case involves a claim for support (but does not involve a claim for property) you must include an up-to-date Financial Statement (Support Claims) – Form 13. If the case involves a claim for property

(whether or not it also involves a claim for support) you must include an up-to-date Financial Statement (Property and Support Claims) – Form 13.1.

If you have filled out a Form 13 or Form 13.1 within the previous 30 days, you can use the existing form. If your Financial Statement is more than 30 days old but is still accurate or there are only minor changes, you do not need to fill out a new one, but you must fill out an Affidavit – Form 14A saying that the information in the last statement has not changed and is still true, or provide details of the minor changes. If the information is more than 30 days old and there are significant changes, you must complete a new Form 13 or Form 13.1.

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

The Table of Contents

You must update the Table of Contents for the Continuing Record. You should add to the Table of Contents the Case Conference Notice and any updated Financial Statements you will be serving and filing.

Do not file your Case Conference Brief in the Continuing Record, unless the court orders otherwise. If the court orders you to file your Case Conference Brief in the Continuing Record, make sure that any portions of the brief that discuss settlement are not visible.

Make **two** copies of all of the documents. Keep one copy for your files and keep a second copy to serve on the respondent (see *Step 4*). The originals will be filed in the Continuing Record (see *Step 5*).

Step 4: Serve the other party with the documents and file them with the court.

If you are requesting the case conference, or if you are the applicant and the court has set the case conference, you must, **at least 7 days before the case conference**, serve the other party and file with the court:

- Your Conference Notice – Form 17;
- Your Case Conference Brief – Form 17A;
- An up-to-date Financial Statement (Support Claims) – Form 13 or Financial Statement (Property and Support Claims) – Form 13.1 or an Affidavit – Form 14A (if applicable); and
- The updated Table of Contents.

You can serve the other party with these documents by regular mail.

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

Ensure that an Affidavit of Service – Form 6B is completed after the documents have been served.

File the Affidavit of Service and the Case Conference Brief in the court file, not in the Continuing Record. File all of the originals of the other documents you served on the other party in the Continuing Record. Update the Table of Contents at the front of the Continuing Record.

Note: At least 4 days before the case conference, the other party must serve and file:

- Their Case Conference Brief – Form 17A;
- An up-to-date Financial Statement (Support Claims) – Form 13 or Financial Statement (Property and Support Claims) – Form 13.1 or an Affidavit – Form 14A (if applicable); and
- The updated Table of Contents.

Step 5: File a Case Conference Confirmation – Form 14C

No later than 2:00 p.m. two days before the case conference, each party must file a Confirmation – Form 14C, confirming that he or she will attend the conference. You can do this either by taking the form to the court office or by faxing it to the court. It is a good idea to know the court's fax number.

Note: No brief or other document for use at the conference may be served on the other party or filed with the court after **2:00 p.m. two days before** the conference.

At the Case Conference

At the case conference, the judge may:

- Make a temporary or final order if notice has been given to the other party.
- Give procedural directions to the parties prior to the next step in the case.
- Set a date for a motion and for the filing of materials for the motion.
- Set a settlement conference date.
- Refer parties to mediation or a parent education session.
- Turn a case conference into a settlement conference and give a view as to the likely outcome of the case.
- Set a trial date.

What happens if you miss the case conference?

It is important that you attend any scheduled conferences. If you do not show up or if you have not served the required Brief containing the proper information, the judge can order that you pay for the other party's legal costs for attending the conference. The judge may also make an order in the case if notice has been given.

Make sure to attend your case conference.

Refer to the General Information Sheets – "Going to Court" for more information.

Other Conferences

Almost every case has a case conference as its first step. If the judge thinks that another conference is necessary, he or she can schedule another case conference, settlement conference or a trial management conference. Or, if you want a conference, you can use the Conference Notice – Form 17 to get a conference date and to notify the other parties.

The purposes of these conferences are similar to those of a case conference and your preparation steps are similar as well. For a settlement conference, each party must file a Settlement Conference Brief – Form 17C and for a trial management conference, each party must file a Trial Management Conference Brief – Form 17E. The time for serving and filing documents is the same for all of the conferences.

The settlement conference judge may express a view as to the likely outcome of the case.

The Confirmation – Form 14C is the same for all of the conferences and indicates that you will be attending the conference.

Note: Settlement Conference Briefs are not filed in the Continuing Record.

Sample Forms

This section contains sample forms that you will need to fill out.

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 the application was filed at the top of all court documents.
3. Make sure the **court file number** 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 17: Conference Notice

This form should be completed by the party who requested or arranged for the conference. All conferences use the same notice form.

ONTARIO

Court File Number _____

Family Law Rules, O. Reg. 114/99

(Name of court) _____

at _____

Court office address

**Form 17:
Conference
Notice**

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).

Name & address of Children's Lawyer's agent (street & number, municipality, postal code, telephone & fax numbers and e-mail address (if any)) and name of person represented.

TO: (name of party or parties or lawyer(s))

A ☐ **CASE CONFERENCE** ☐ **SETTLEMENT CONFERENCE** ☐ **TRIAL MANAGEMENT CONFERENCE**

WILL BE HELD at (place of conference)

at **a.m./p.m. on (date)**

The conference has been arranged at the request of

☐ the applicant ☐ the respondent
☐ the case management judge ☐ (Other; specify.)

to deal with the following issues:

You must participate at that time and date by

☐ coming to court at the address set out above.
☐ video-conference or telephone at (location of video terminal or telephone)
as agreed under arrangements already made by (name of person)
for video/telephone conferencing.

IF YOU DO NOT PARTICIPATE AS SET OUT ABOVE, THE CASE MAY GO ON WITHOUT YOU OR THE COURT MAY DISMISS THE CASE.

Date of signature

Signature of clerk of the court

NOTE: The party requesting the conference (or, if the conference is not requested by a party, the applicant) must serve and file a case conference brief (Form 17A or 17B), settlement conference brief (Form 17C or 17D) or trial management conference brief (Form 17E) not later than seven days before the date scheduled for the conference. The other party must serve and file a brief not later than four days before the conference date. Each party must also file a confirmation (Form 14C) not later than **2 p.m. two days** before the conference.

FLR 17 (07/01) (Français au verso)

The location, date and time of the conference is provided by the court.

The clerk of the court must sign at the bottom of the form.

Conference Briefs

These forms should be completed by both parties prior to any conference. The type of conference will determine the form to be completed:

Conference Type	Form to be Served and Filed
Case Conference	Form 17A
Settlement Conference	Form 17C
Trial Management Conference	Form 17E

A sample of the Case Conference Brief Form is set out below. The forms that are used for the settlement conference and trial management conference are similar.

Form 17A: Case Conference Brief - General (page 2) Court File Number _____

PART 2: ISSUES

5. What are the issues in this case that **HAVE** been settled: ← Indicate the issues that have been settled.

<input type="checkbox"/> child custody	<input type="checkbox"/> spousal support	<input type="checkbox"/> ownership of property
<input type="checkbox"/> access	<input type="checkbox"/> same-sex partner support	<input type="checkbox"/> possession of home
<input type="checkbox"/> restraining order	<input type="checkbox"/> child support	<input type="checkbox"/> equalization of net family property
<input type="checkbox"/> Other (Specify) _____		

6. What are the issues in this case that have **NOT** yet been settled: ← Indicate the issues that have not yet been settled.

<input type="checkbox"/> child custody	<input type="checkbox"/> spousal support	<input type="checkbox"/> ownership of property
<input type="checkbox"/> access	<input type="checkbox"/> same-sex partner support	<input type="checkbox"/> possession of home
<input type="checkbox"/> restraining order	<input type="checkbox"/> child support	<input type="checkbox"/> equalization of net family property (Attach Net Family Property Statement, Form 13B)
<input type="checkbox"/> Other (Specify) _____		

7. If child or spousal or same-sex partner support is an issue, give the income of the parties:
 Applicant: \$ _____ per year for the year 20 _____
 Respondent: \$ _____ per year for the year 20 _____

8. Have you explored any ways to settle the issues that are still in dispute in this case?
☐ No. ☐ Yes. (Give details.) _____

9. Have any of the issues that have been settled been turned into a court order or a written agreement?
☐ No.
☐ Yes. ☐ an order dated _____
☐ a written agreement that is attached.

10. Have the parents attended a family law or parenting education session?
☐ No. (Should they attend one? _____)
☐ Yes. (Give details.) _____

PART 3: ISSUES FOR THIS CASE CONFERENCE

11. What are the issues for this case conference? What are the important facts for this case conference?

Continued on next sheet →
(Français au verso)

FLR 17A (Rev. 04/03)

Indicate the issues that have been settled.

Indicate the issues that have not yet been settled.

Note: The person requesting the conference or the applicant, if none of the parties has requested the conference, must serve and file their documents at least **7 days** before the conference. The other party must serve and file their documents at least **4 days** before the conference. No documents may be served or filed **after 2:00 p.m. 2 days** before the conference.

This form should be completed by the applicant **and** the respondent prior to any conference.

The confirmation can be faxed to the court office.

Copy for archive purposes. Please consult original publisher for current version.
Copie à des fins d'archivage. Veuillez consulter l'éditeur original pour la version actuelle.



Inside this Guide

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 - Filing Documents
 - Going to Court
- 8** Financial Statements

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 5: Motions

What is a motion?

A motion is a court procedure that is used to obtain certain kinds of orders from a judge. You can “bring a motion” to ask for an order to:

- Resolve an issue in the case on a temporary basis;
- Obtain directions on how to proceed in the case; or
- Change an order that has already been made.

When can you bring a motion?

Generally, you cannot bring a motion until after you attend a case conference. However, there are some exceptions to this general rule. A motion can be brought before a case conference in certain situations, including:

- Situations of **hardship or urgency**. (For example, you do not have to wait for a case conference to apply for a restraining order if there is an immediate danger to the health or safety of you or your children.)
- If the motion is uncontested or you need a procedural order. (For example, you may need to ask the court’s permission to file an Answer if you have missed the timeline for filing.)

If you bring a motion before a case conference, the judge will decide first whether your case falls within one of the exceptions. If the judge decides that it does not, your motion will only be heard after a case conference. *Refer to the Case Conference Guide for more information.*

Who can bring a motion?

Anyone who is a party to a case, or anyone (other than a child) who is affected by the case, can bring a motion. **The person who brings the motion is the “moving party.” The person who responds to the motion is the “responding party.”**

How do you bring a motion?

In order to bring a motion, you must provide evidence supporting your request for an order. This is usually done by preparing and serving an Affidavit. In most cases, you must also attend a formal court hearing to have the motion considered by a judge.

Motions to Ask for Temporary Orders

A motion may be brought to resolve issues temporarily, until a final order can be made. For example, a motion may be brought for an order determining support payments, or visitation rights with the children, until these issues are settled between the parties, or finally determined by the court.

You should be aware that the court rules discourage parties from bringing motions early in the case, particularly before a case conference is held.

The case conference provides an early opportunity to meet with a judge to narrow and settle the issues in dispute. The judge can also make orders at a case conference to resolve matters that cannot be resolved through agreement between the parties.

The case conference provides a simpler and less formal way of resolving issues early in the process.

Refer to the Case Conference Guide for more information.

Motions to Ask for Procedural Directions

Motions may also be brought to ask the court for directions about how to proceed in the case. For example, one of the parties may bring a motion to ask the court's permission to file documents outside the timelines established by the court rules, or to ask the court for an order requiring the other side to disclose documents that are relevant to the case.

Motions to Change Existing Orders

Either party may bring a motion to ask the court to change an order that has already been made. For example, if you already have an order establishing support payments for you or your children, you may bring a motion asking for a change to these payments.

General Procedures for Bringing a Motion

The discussion below describes the steps to bring a motion. This guide does not address procedures when the motion is being heard before a judge. **It is strongly recommended that you retain a lawyer to represent you in court.**

Step 1: Schedule the motion.

The moving party must get a date for the motion from the court office.

Motions are generally heard by a judge in court. However, they can also be heard by telephone or video conference. If you want to argue the motion in court, ask court staff to schedule a court date. If it is necessary to bring the motion by telephone or video conference, make an appointment with the court clerk for a motion date. **It is then up to you** to make the arrangements for the telephone or video conference.

Step 2: Pick up the forms you need.

You will need the following documents for a motion:

- A Notice of Motion – Form 14
- An Affidavit – Form 14A
- A Confirmation of Attendance – Form 14C
- An Affidavit of Service – Form 6B
- A copy of the Table of Contents for the Continuing Record

If your case involves a claim for support (but does not include a claim for property) and it is more than 30 days since you made your last Financial Statement, you need:

- A Financial Statement (Support Claims) – Form 13

If your case involves a claim for property (whether or not it also includes a claim for support) and it is more than 30

days since you made your last Financial Statement, you need:

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

In either case, you may need:

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

Refer to the Financial Statements Guide for more information.

Step 3: Fill out the court forms.

The moving party starts the motion with a Notice of Motion – Form 14. The Notice of Motion informs the other party that you intend to bring a motion, what order(s) you are asking the court to make and the date of the motion.

You must also complete an Affidavit – Form 14A setting out the facts to support your motion. The judge will use the information in your Affidavit to make his or her decision.

Preparing an Affidavit

Preparing an Affidavit can be difficult. The following may assist you when completing Form 14A:

1. Outline the **type of order** you are requesting:

- Custody of the child(ren)
- Access to the child(ren)
- Support for yourself or child(ren)
- A restraining order
- A property order
- Any other order – be specific

2. Provide the **factual information** the judge will need to know about your situation:

- Describe the relationship between you and the responding party (married, living together, separated etc.) and if you currently live with anyone.
- Indicate whether you and the responding party have any children and if so, their names, ages, and where they currently reside. Provide information about whether there are currently any existing access arrangements and details on who is responsible for daily care. If the case is for custody and/or access, outline the reasons you feel it would be in the best interests of the child(ren) to be with you.
- If you are asking for child support, provide information about whether the amount of support you are asking for is the same or different from the amount set out in the Child Support Guidelines tables. (You can ask at the Family Law Information Centre for a kit that will help you calculate child support under the Guidelines.)
- If you are asking for financial support, include details about your source of income (where you work, if you are receiving benefits) or indicate if this information can be found on the Financial Statement.
- If you are asking for a restraining order, provide details on the restrictions being sought (e.g. not to come within so many metres of work, home or school, not to telephone or communicate) and details of any incident(s) that have resulted in your request for a restraining order.

3. Include any **background information** the judge will need to know about your case:
- State whether there has been a case conference and if not, the reason you believe you should be permitted to have the motion heard before a case conference.
 - State whether there has ever been any family court order or written agreement. Be sure to attach a copy of the agreement or order.
 - If you are asking for costs, provide details about your expenses in bringing the motion.

In completing your Affidavit, please note:

- **The Affidavit should contain facts only.** Do not include your opinions or feelings or try to use the Affidavit to damage the other party.
- **The information should be, as much as possible, within your own personal knowledge.** You can include information provided to you by someone else but you must name the person who gave you the information and state that you believe it to be true.
- **You can attach Exhibits to your Affidavit.** Exhibits are documents (such as an order or separation agreement) or objects (such as photographs) that support the information in your Affidavit. You must refer to each exhibit and mark it at the top using a letter of the alphabet, for example "Exhibit A".
- **You should include all of the information to support your motion in the Affidavit.**

It is a criminal offence to swear a false or misleading Affidavit and it is your responsibility to make sure that the information is true. Because the judge must be convinced that you believe everything you state in your Affidavit is true, it must be "sworn" or "affirmed". This means that when you complete your Affidavit, you must sign it in the presence of a person who is commissioned to swear Affidavits. Some court staff are commissioners. You may also go to a law office or a legal aid clinic to have a lawyer commission the Affidavit for you. There may be a small fee for the service.

Note: In simple or uncontested matters, motions can be brought using Form 14B, which does not require an Affidavit (*see the discussion on page 6*).

In addition to filling out the Notice of Motion and Affidavit, you should also update the Table of Contents to include your motion documents.

If the motion involves a claim for support (but does not involve a claim for property) you must include an up-to-date Financial Statement (Support Claims) – Form 13.

If the motion involves a claim for property (whether or not it also involves a claim for support) you must include an up-to-date Financial Statement (Property and Support Claims) – Form 13.1.

If you have filled out a Form 13 or Form 13.1 within the previous 30 days, you can use the existing form. If your Financial Statement is more than 30 days old but is still accurate or there are only minor changes, you do not need to fill out a new one, but you must fill out an Affidavit – Form 14A saying that the information in the last statement has not changed and is still true, or provide details of the minor

changes. If the information is more than 30 days old and there are significant changes, you must complete a new Form 13 or Form 13.1.

You should also make **two** copies of all documents: one for your files and one to serve on the other party. The originals are filed in the Continuing Record.

Step 4: Serve the motion documents on the other party.

No later than 7 days before the scheduled motion date you must serve the other party and file with the court:

- An updated Financial Statement (Support Claims) – Form 13 or Financial Statement (Property and Support Claims) – Form 13.1 or an Affidavit – Form 14A (if applicable).

No later than 4 days before the scheduled motion date, you must serve the other party with a copy of:

- The Notice of Motion – Form 14
- The sworn Affidavit – Form 14A
- A copy of the updated Table of Contents from the Continuing Record, listing the motion documents you are serving.

After the documents are served, an Affidavit of Service should be prepared by the person who served the documents.

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

Note: In some situations, a motion may be brought without serving the other party. (See the discussion on page 6 on *Motions Without Notice*.)

Step 5: File the motion documents with the court.

No later than 2 days before the scheduled motion date, the moving party must file in the Continuing Record all of the original motion documents that were served on the respondent.

The completed Affidavit of Service, proving the motion documents were served, must be filed in the court file, not in the Continuing Record.

In addition, the Table of Contents in the front of the Continuing Record should be up-to-date.

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

Step 6: File a confirmation with the court.

No later than 2:00 p.m. two days before the scheduled motion, the moving party must file a Confirmation – Form 14C with the court. This lets the judge know that the moving party will be present for the motion.

If a confirmation is not filed, the motion may not be heard. The confirmation can be sent by fax, so it is useful to know the court's fax number.

No documents for use on the motion may be served or filed after **2:00 p.m. two days before** the motion date.

The Responding Party

If you are the responding party, you will be served with a Notice of Motion telling you what orders the other party is asking for, and the date of the motion. At least seven days before the motion date, you will be served with updated financial information. At least four days before the motion date, you will be served with the other party's Affidavit setting out the facts being relied on to support the motion.

You must serve and file an updated Financial Statement (Support Claims) – Form 13, or Financial Statement (Property and Support Claims) – Form 13.1 if one is required, or an Affidavit – Form 14A, swearing that the information on the old one still remains accurate, or that there are only minor changes (provide details) **no later than 4 days before the scheduled motion date.**

If you have different evidence that you want the judge to consider, you must fill out an Affidavit and serve it on the other party. You should file the Affidavit with the court **as soon as possible** before the day of the motion. No documents can be filed after **2:00 p.m. two days before** the motion. Pages 3, 4 and 5 of this guide contain some information to assist in completing the Affidavit.

Also serve and file an updated Table of Contents for the Continuing Record listing the motion documents you have served.

If you are the responding party, you do not have to file a Confirmation with the court, but you must attend the motion to present your views.

If you require more time to prepare your case, you should attend court on the day of the motion to ask for an adjournment. The judge may or may not allow the

adjournment. If allowed, there may be terms set out by the judge.

Special Motion Procedures

Simple, Procedural and Uncontested Motions

If you are bringing a motion to ask the court for directions in the case, or to decide a simple or uncontested matter, you can use Motion – Form 14B rather than a Notice of Motion and an Affidavit. Form 14B is much easier to fill out than a Notice of Motion and Affidavit.

Motions Without Notice to the Other Party

In limited circumstances, you may bring a motion without serving the other party. For example:

- If there is an immediate health or safety risk to you or your child and a delay in serving the other party would probably have serious consequences;
- If there is immediate danger that your child will be removed from Ontario; or
- If it is not reasonably possible for you to notify the other party (for example, because you do not know where he or she is).

You must still file the appropriate motion documents with the court even if you are bringing the motion without notice to the other party.

If you bring a motion without notice, the judge will decide first whether or not you should be permitted to bring the motion without notifying the other side. If the judge decides that notice is required, your motion will only be heard after you have served the other party.

If the motion is heard, and the judge grants the order you are asking for, he or she will also order that the issue come back to the court for review, within 14 days. You will have to serve a copy of the order on the other party, together with copies of all of the documents you prepared to support the motion. The other party will then have an opportunity to serve and file a response to your motion and to attend court on the date scheduled for review of the order.

Motions to Change a Final Order or Agreement

If either you or the other party want to change something in a final order or agreement, you can bring a motion to ask the judge for the change. These motions are different from the motions discussed in this guide.

Sample Forms

This section contains sample forms that parties will need to fill out when filing a motion.

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 the application was filed 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 **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 14: Notice of Motion or Form 14B: Motion

For a motion you need to complete either Form 14: Notice of Motion or Form 14B: Motion.

ONTARIO

Court File Number

Family Law Rules, O. Reg. 114/99

Form 14: Notice of Motion

(Name of Court)

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).

The person making this motion or the person's lawyer must contact the clerk of the court by telephone or otherwise to choose a time and date when the court could hear this motion.

This motion will be made by (name of person making the motion) who will be asking the court for an order for the item(s) listed on page 2 of this notice.

☐ A copy of the affidavit(s) in support of this motion is/are served with this notice.

☐ A notice of a case conference is served with this notice to change an order. If this material is missing, you should talk to the court office immediately.

The person making this motion is also relying on the following documents in the continuing record: (List documents)

If you want to oppose this motion or to give your own views, you should talk to your own lawyer and prepare on all other parties not later than 4 days before the date above and file it at the court office not later than 2 days before the date above. Written and affidavit evidence will be allowed at a motion unless the court gives permission for oral testimony to the motion.

IF YOU DO NOT COME TO THE MOTION, THE COURT MAY MAKE AN ORDER WITHOUT AGAINST YOU.

Date of signature

Signature of person making this motion or of person's lawyer

Typed or printed name of person or of person's lawyer, telephone & fax number and e-mail address

NOTE TO PERSON MAKING THIS MOTION: You MUST file a confirmation (Form 14C) not later than 2:00 p.m. 2 days before the date above.

If this is a motion to change past and future support payments under an order that has been assigned to a government agency, you must also serve this motion form on that agency. If you do not, the agency can ask the court to set aside any order that you may get in this motion against you.

FLR 14 (07/01)

Notice of Motion – Form 14 is to be completed by either party and is used when bringing a motion. This form must be accompanied by a completed Affidavit – Form 14A.

Motion – Form 14B can be used if you are bringing a motion to ask the court for directions in the case, or to decide a simple or uncontested matter.

ONTARIO

Court File Number

Family Law Rules, O. Reg. 114/99

Form 14B: Motion Form

(Name of court)

at Court office address

Names of parties:

Applicant: Respondent:

Hearing date: Name of case management judge:

This form is filed by:

☐ applicant ☐ respondent ☐ (Other; specify)

This motion is made:

☐ with the consent of all persons affected ☐ with notice to all persons affected — unopposed

☐ with notice to all persons affected — opposition ☐ without notice expected

NOTE TO PERSON MAKING THIS MOTION: If this is a motion to change past and future support payments under an order that has been assigned to a government agency, you must also serve this motion form on that agency. If you do not, the agency can ask the court to set aside any order that you may get in this motion and can ask for court costs against you.

Order that you want the court to make: (If you need more space, add an extra sheet but do not make any changes to this form.)

Laws and rules on which you are relying: (Give name of statute and section numbers; name of regulation and section numbers; and rule numbers.)

Continued on next sheet (Français au verso)

FLR 14B (08/01)

Form 14A: Affidavit (General)

To be completed by either party and used to set out facts when bringing a motion.

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

The blank spaces on the form allow you to set out the facts to support your motion. You may use additional paper if needed.

Copy for archive purposes. Please consult original publisher for current version.
Copie à des fins d'archivage. Veuillez consulter l'éditeur original pour la version actuelle.

ONTARIO

Court File Number

(Name of court)

Family Law Rules, O.Reg. 114/98

Form 14A: Affidavit (general) dated

at
Court office address

Applicant(s)

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

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

Form 14A: Affidavit (general) dated (page 2)

My name is (full legal name),
I live in (municipality & province),
and I swear/affirm that the following is true:
Set out the statements of fact in consecutively numbered paragraphs. Where possible, each numbered paragraph sentence and be limited to a particular statement of fact. If you learned a fact from someone else, you must give believe that fact to be true.

1.

FLR 14A (06/00)

Put a line through any blank space left on this page.

Sworn/Affirmed before me at
in
on
date

Commissioner for taking affidavits
(Type or print name below if signature is illegible.)

Signature
This form is to be signed in front of a lawyer, justice of the peace, notary public or commissioner for taking affidavits.

FLR 14A (06/00) (Français au verso)

Sign at the end of the affidavit. 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 6B: Affidavit of Service

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:

Check one box only and go to indicated paragraph.

☐ special service. (Go to paragraph 3 below if you used special service.)

☐ mail. (Go to paragraph 4 if you used mailed service.)

☐ courier. (Go to paragraph 5 if you used courier.)

☐ deposit at a document exchange. (Go to paragraph 6 if you used a document exchange.)

☐ fax. (Go to paragraph 7 if you used fax.)

☐ 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:

Check one box only. Strike out paragraphs 4 to 8 and go to paragraph 9.

☐ leaving a copy with the person.

☐ leaving a copy with (name)
☐ who is a lawyer who accepted service on the person's behalf.

☐ who is the person's lawyer of record.

☐ 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 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.

Copy for archive purposes. Please consult original publisher for current version.
Copie à des fins d'archivage. Veuillez consulter l'éditeur original pour la version actuelle.

Confirmation of attendance must be received from **the party bringing the motion, no later than 2:00 p.m. two days prior** to the scheduled court date.

ONTARIO

Court File Number

Family Law Rules, O. Reg. 114/99

Form 14C: Confirmation

(Name of court)

at _____

Court office address

Indicate if you know the issues that will be before the judge.

Applicant(s)

Full legal name & address for service — 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).

Name & address of Children's Lawyer's agent (street & number, municipality, postal code, telephone any)) and name of person represented.

Court file number

Form 14C: Confirmation (page 2)

4. This matter is going ahead

☐ on all the issues.
☐ on only the following issues: (Specify.)
☐ for a consent order regarding: (Specify.)
☐ for an adjournment on consent to (date) because
 (Give reason.)
☐ for a contested adjournment to (date) asked for
 by (name of person asking for adjournment) because
 (Give reason.)
5. The judge should read pages/tabs of the continuing record.
6. Total time estimate: applicant: minutes; respondent minutes; for a total of minutes.
7. The case management judge for this case is Justice

1. My name is (full legal name)
 and I am ☐ the lawyer for (name)
☐ (Other. Specify.)

2. I have ☐ not been able to contact the opposing lawyer or party in this case to complete paragraphs 3 to 7 below because: (Give reason for inability to contact other side)
☐ contacted the opposing lawyer or party and have confirmed the matter below.

3. The scheduled date and time for this
☐ motion ☐ case conference ☐ settlement conference ☐ trial
 is (date) at am/pm.
(complete only if motion is being confirmed)
☐ A case conference was held on the issues in this motion before Justice
☐ A case conference has not been held on the issues in this motion.

Date of signature

Lawyer's or party's signature

Check the "motion" box.

Indicate the documents in the Continuing Record you would like the

FLR 14C (07/01)

(Français au verso)



Inside this Guide

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- 4** Case Conferences
- 5** Motions
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 - Going to Court
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Superior Court of Justice

Ce guide est également disponible en français.

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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

Simple 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 will 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 this 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 the "*General Application*" 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 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 Simple 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 (Divorce) – Form 8A
- 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.)

If you have had previous family court files you need:

- A Summary of Court Cases – Form 8E

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. Put the court file number in the upper right-hand corner of every page of all of the forms.
4. Make **two** copies of your completed Application – Form 8A, including any attachments. One copy is for the respondent and one copy is for your files. The originals will be filed with the court in the court file.

Step 4: Serve the respondent with the documents.

You must arrange to provide the respondent with a copy of your completed Application, including attachments.

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. If you 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 for you. 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.”

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 as a package in the court file.

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 or 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 *Case Conferences Guide*. The respondent must prepare a Continuing Record on filing the Answer, and you will have to file your documents in the Continuing Record.

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

One copy of the Affidavit of Divorce and draft Divorce Order are for you and the 3 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 3 copies of the Divorce Order
- Two stamped addressed envelopes (*see page 4*)
- 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 – Simple Application.

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 the application was filed at the top of all court documents.
3. Once the court staff have given you 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 court file.
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 8A: Application (Divorce) -- Simple Application

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

ONTARIO

SEAL

(Name of court)

at Court office address

Court File Number

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

☐ Simple
☐ Joint

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).

☐ **IN THIS CASE, THE APPLICANT IS CLAIMING DIVORCE ONLY.**

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

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 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 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.**

IF YOU WANT TO MAKE A CLAIM OF YOUR OWN, you or your lawyer must fill out the claim portion in the Answer, serve a copy on the applicant(s) and file a copy in the court office with an Affidavit of Service.

- If you want to make a claim for support but do not want to make a claim for property or exclusive possession of the matrimonial home and its contents, you **MUST** fill out a Financial Statement (Form 13), serve a copy on the applicant(s) and file a copy in the court office.
- However, if your only claim for support is for child support in the table amount specified under the Child Support Guidelines, you do not need to fill out, serve or file a Financial Statement.
- If you want to make a claim for property or exclusive possession of the matrimonial home and its contents, whether or not it includes a claim for support, you **MUST** fill out a Financial Statement (Form 13.1, not Form 13), serve a copy on the applicant(s), and file a copy in the court office.

YOU SHOULD GET LEGAL ADVICE ABOUT THIS CASE RIGHT AWAY. If you cannot afford a lawyer, you may be able to get help from your local Legal Aid Ontario office. (See your telephone directory under LEGAL AID.)

FLR 8A (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.

Check the box for a simple application.

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

Indicate that this is an uncontested application for divorce only.

In the *Important Facts Supporting the Claim for Divorce* section, check off the right boxes and give the information being asked for.

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

Registration of Divorce Proceeding Form – Simple Application

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 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				
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: 1. <input type="checkbox"/> Never married / Jamais marié 2. <input type="checkbox"/> Widowed / Veuf 3. <input type="checkbox"/> Divorced / Divorcé		Marital status at time of marriage / État matrimonial lors du mariage: 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: D-J M Y-A		
PART 2 - PARTIE 2 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				
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 6B: Affidavit of Service – Simple Application

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:

Check one box only and go to indicated paragraph.

- ☐ special service. (Go to paragraph 3 below if you used special service.)
- ☐ mail. (Go to paragraph 4 if you used mailed service.)
- ☐ courier. (Go to paragraph 5 if you used courier.)
- ☐ deposit at a document exchange. (Go to paragraph 6 if you used a document exchange.)
- ☐ fax. (Go to paragraph 7 if you used fax.)
- ☐ 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:

Check one box only. Strike out paragraphs 4 to 8 and go to paragraph 9.

- ☐ leaving a copy with the person.
- ☐ leaving a copy with (name)
- ☐ who is a lawyer who accepted service on the person's behalf.
- ☐ who is the person's lawyer of record.
- ☐ 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**.

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.

Form 36: Affidavit for Divorce – Simple Application

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)

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 and province)

and I swear/affirm that the following is true:

- I am the applicant in this divorce case.
- There is no chance of a reconciliation between the respondent and me.
- 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.)
.....
- ☐ 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.

Copy for archive purposes. Please consult original publisher for current version.
Copie à des fins d'archivage. Veuillez consulter l'éditeur original pour la version actuelle.

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)

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.

..... 11

Form 25A: Divorce Order – Simple Application

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

ONTARIO

Seal: SEAL

Court File Number

Family Law Rules, O.Reg. 114/99

Form 25A: Divorce Order

at (Name of court)

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).

Judge (print or type name)

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.



Inside this Guide

- 1** Introduction to the Family Courts in Ontario
- 2** Applications
- 3** Answers
- 4** Case Conferences
- 5** Motions
- 6** **Uncontested Divorce**
 - Simple Application
 - ✓ General Application
 - Joint Application
- 7** General Information Sheets
 - Serving Documents
 - Filing Documents
 - Going to Court
- 8** Financial Statements

Superior Court of Justice

Ce guide est également disponible en français.

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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

SEAL

at _____
(Name of court)
Court office address

Court File Number _____

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

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).

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.

Copy for archive purposes. Please consult original publisher for current version.
Copie à des fins d'archivage. Veuillez consulter l'éditeur original pour la version actuelle.

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 01 <input type="checkbox"/> support for me 02 <input type="checkbox"/> support for child(ren) – table amount 03 <input type="checkbox"/> support for child(ren) - other than table amount 04 <input type="checkbox"/> custody of child(ren) 05 <input type="checkbox"/> access to child(ren)	10 <input type="checkbox"/> support for me 11 <input type="checkbox"/> support for child(ren) – table amount 12 <input type="checkbox"/> support for child(ren) - other than table amount 13 <input type="checkbox"/> custody of child(ren) 14 <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	20 <input type="checkbox"/> equalization of net family properties 21 <input type="checkbox"/> exclusive possession of matrimonial home 22 <input type="checkbox"/> exclusive possession of contents of matrimonial home 23 <input type="checkbox"/> freezing assets 24 <input type="checkbox"/> sale of family property
Other claims 30 <input type="checkbox"/> costs 31 <input type="checkbox"/> annulment of marriage 32 <input type="checkbox"/> prejudgment interest	50 <input type="checkbox"/> Other <i>(Specify.)</i>	

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
PART 1 - PARTIE 1				
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				
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				
Full given name(s) / Prénom(s) au complet :				
D-J M Y-A				
6. Date of birth / Date de naissance				
D-J M Y-A				
7. 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				
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: D-J M Y-A				
PART 2 - PARTIE 2				
PART II OF THIS FORM IS TO BE COMPLETED AND SENT WITHIN 7 DAYS OF THE DISPOSITION OF THE DIVORCE PROCEEDING TO: / 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				
9. DIVORCE OBTAINED / DIVORCE OBTENU:				
1 <input type="checkbox"/> Without hearing / Sans audience 2 <input type="checkbox"/> With hearing / Avec audience				
10. DATE OF JUDGEMENT: / DATE DU JUGEMENT:				
D-J M Y-A				
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				

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)**.

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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.) _____

FLR 13.1 (Rev. 04/03)

Continued on next sheet →
(Français au verso)

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

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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

Court File Number

Family Law Rules, O. Reg. 114/99

Form 13A: Direction to Canada Customs and Revenue Agency

(Name of court)

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).

TO THE CANADA CUSTOMS AND REVENUE AGENCY:

My name is (full legal name)

My latest address shown on tax records is:

My social insurance number is:

I authorize the Canada Customs and Revenue Agency to release to (name and address of other party or other party's lawyer)

The address of the other party goes here.

copies of income and deduction printouts showing my income as assessed by the Canada Customs and Revenue Agency for the following years:

Ontario's Family Law Rules require the release of this information which will be used in this case only for:

a claim for support, property or exclusive possession of the matrimonial home and its contents; or

any other purpose ordered by the court.

I understand that this information will become part of the court file, which is a public record.

Date of signature

Signature of taxpayer

FLR 13A (07/01)

(Français au verso)

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:

Check one box only and go to indicated paragraph.

- ☐ special service. (Go to paragraph 3 below if you used special service.)
- ☐ mail. (Go to paragraph 4 if you used mailed service.)
- ☐ courier. (Go to paragraph 5 if you used courier.)
- ☐ deposit at a document exchange. (Go to paragraph 6 if you used a document exchange.)
- ☐ fax. (Go to paragraph 7 if you used fax.)
- ☐ 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:

Check one box only. Strike out paragraphs 4 to 8 and go to paragraph 9.

- ☐ leaving a copy with the person.
- ☐ leaving a copy with (name) _____
 - ☐ who is a lawyer who accepted service on the person's behalf.
 - ☐ who is the person's lawyer of record.
 - ☐ 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.

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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:

- I am the applicant in this divorce case.
- There is no chance of a reconciliation between the respondent and me.
- 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.)
.....
.....
- ☐ 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.

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:

[illegible]

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.)

(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.)

FLR 36 (06/00)

Continued on next sheet
(Français au verso)

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

Seal: **SEAL**

Court File Number: _____

Family Law Rules, O.Reg. 114/99

Form 25A: Divorce Order

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): _____

Judge (print or type name) _____

Date of order _____

The court considered an application of (name) _____

on (date) _____

~~The following persons were in court (leave 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.



Inside this Guide

- 1** Introduction to the Family Courts in Ontario
- 2** Applications
- 3** Answers
- 4** Case Conferences
- 5** Motions
- 6** **Uncontested Divorce**
 - Simple Application
 - General Application
 - ✓ Joint Application
- 7** General Information Sheets
 - Serving Documents
 - Filing Documents
 - Going to Court
- 8** Financial Statements

Superior Court of Justice

Ce guide est également disponible en français.

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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

Joint 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 will 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 the “*General Application*” 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 this 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) in a Joint Application.

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.

..... 1

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 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.

Joint Application for Divorce

Spouses can ask a court together for a divorce. This is called a Joint Application. They can also jointly ask the court to include an order relating to custody, access, support and/or property but only if they both agree on the terms of the order.

There are a few key points about Joint Applications for divorce:

- **Both of you are applicants and both of you sign the Application.**
- **A Joint Application does not have to be served on anyone.** However, you will have to wait for the Clearance Certificate from the Central Registry of Divorce Proceedings to be sent to the Court. This can often take a few weeks.
- There may be other claims, such as property or support, which are also being included and are **on consent** of both parties. If that is the case, you will need to complete and make copies of these forms.
- The Affidavit for Divorce – Form 36 has to be changed slightly so you can both sign and swear it. References to “I” will have to be changed to “We”, and “My” will have to be changed to “Our”. Also, **each** of you will have to sign the document before a commissioner for taking affidavits.

Steps to Complete a Joint 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.

To make an application you need:

- An Application (Divorce) – Form 8A
- A Registration of Divorce Proceeding Form (This is not a court form, but is available at the court office)
- An Affidavit for Divorce – Form 36
- A Divorce Order – Form 25A

Note: It is not necessary to start a Continuing Record in a Joint Application for divorce.

If a claim for support but not for property or exclusive possession of the matrimonial home is made you both need:

- A Financial Statement (Support Claims) – Form 13

If a claim is made for property or exclusive possession of the matrimonial home and its contents, whether or not there is also a claim for support, you both need:

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

Refer to the Financial Statements Guide for more information.

In either case, you both 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)

You must also file:

- A Support Deduction Order Information Form (SDOIF) (This is not a court form but is available at the court office.)
- A Support Deduction Order (SDO) (This is not a court form but is available at the court office.)

If there is a claim in relation to property you need:

- A Net Family Property Statement – Form 13B

If you are making claims in addition to divorce (e.g. support), you should speak with Family Law Information Centre staff about the requirements of the other forms.

If you have had previous family court files you need:

- A Summary of Court Cases – Form 8E

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, file the documents, and pay any applicable fees.

1. Take your forms and copies 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 applicable fees. You may pay fees by cash, certified cheque or money order payable to the “Minister of Finance.” You can find out more information about fees from the court office.
3. Put the court file number in the upper right-hand corner of every page of all of the forms.
4. Make copies of the forms as follows:
 - 2 copies of your completed Application – Form 8A, including any attachments
 - 2 copies of your completed Affidavit for Divorce – Form 36, including attachments
 - 5 copies of your completed draft Divorce Order – Form 25A
5. Each of you keeps a copy of the documents. File the original documents and remaining copies as a package with the court.

Step 4: 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 of you 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 you each a copy.

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 – Joint Application.

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 court file.
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 8A: Application (Divorce) – Joint Application

This form should be completed by both spouses.

ONTARIO

SEAL

(Name of court)

at _____
Court office address

Court File Number _____

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

☐ Simple
☐ Joint

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)~~ **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).

☐ IN THIS CASE, THE APPLICANT IS CLAIMING DIVORCE ONLY.

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

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 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 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.**

IF YOU WANT TO MAKE A CLAIM OF YOUR OWN, you or your lawyer must fill out the claim portion in the Answer, serve a copy on the applicant(s) and file a copy in the court office with an Affidavit of Service.

- If you want to make a claim for support but do not want to make a claim for property or exclusive possession of the matrimonial home and its contents, you **MUST** fill out a Financial Statement (Form 13), serve a copy on the applicant(s) and file a copy in the court office.
- However, if your only claim for support is for child support in the table amount specified under the Child Support Guidelines, you do not need to fill out, serve or file a Financial Statement.
- If you want to make a claim for property or exclusive possession of the matrimonial home and its contents, whether or not it includes a claim for support, you **MUST** fill out a Financial Statement (Form 13.1, not Form 13), serve a copy on the applicant(s), and file a copy in the court office.

YOU SHOULD GET LEGAL ADVICE ABOUT THIS CASE RIGHT AWAY. If you cannot afford a lawyer, you may be able to get help from your local Legal Aid Ontario office. (See your telephone directory under **LEGAL AID**.)

FLR 8A (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.

Check the box for a joint application.

Applicant: Fill both of your full legal names, complete addresses, telephone numbers, fax numbers and e-mail addresses.

Respondent: There is no respondent in a Joint Application. If you need to use this space for the additional applicant information be sure to strike out the word respondent on the form.

On page 2, indicate this is a Joint Application.

In the *Important Facts Supporting the Claim for Divorce* section, check off the right boxes and give the information being asked for.

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

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)**.

Copy for archive purposes. Please consult original publisher for current version.
Copie à des fins d'archivage. Veuillez consulter l'éditeur original pour la version actuelle.

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.) _____

FLR 13.1 (Rev. 04/03)

Continued on next sheet →
(Français au verso)

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**.

Form 13A: Direction to Canada Customs and Revenue Agency – For Joint Application

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 applicant receives the information from CCRA, he or she should serve you with a copy.

ONTARIO

Court File Number

(Name of court)

Family Law Rules, O. Reg. 114/99
**Form 13A: Direction to
Canada Customs and
Revenue Agency**

at _____
Court office address

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 (full legal name)

My latest address shown on tax records is:
.....
.....

My social insurance number is:

I authorize the Canada Customs and Revenue Agency to release to (name and address of other party or other party's lawyer)
.....
.....

.....

copies of income and deduction printouts showing my income as assessed by the Canada Customs and Revenue Agency for the following years:
.....
.....

Ontario's *Family Law Rules* require the release of this information which will be used in this case only for:

- a claim for support, property or exclusive possession of the matrimonial home and its contents; or
- any other purpose ordered by the court.

I understand that this information will become part of the court file, which is a public record.

Date of signature

Signature of taxpayer

FLR 13A (07/01) (Français au verso)

The address of the other applicant goes here.

Registration of Divorce Proceeding Form – Joint Application

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
PART 1 - PARTIE 1				
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				
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				
Full given name(s) / Prénom(s) au complet:				
D-J M Y-A				
6. Date of birth / Date de naissance				
D-J M Y-A				
7. 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				
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: D-J M Y-A				
PART 2 - PARTIE 2				
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				
9. DIVORCE OBTAINED / DIVORCE OBTENU:				
1 <input type="checkbox"/> Without hearing / Sans audience 2 <input type="checkbox"/> With hearing / Avec audience				
10. DATE OF JUDGEMENT: / DATE DU JUGEMENT:				
D-J M Y-A				
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				
D-J M Y-A				
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 36: Affidavit for Divorce – Joint Application

The one form is to be completed by both applicants and filed **with the Divorce Order – Form 25A**.

ONTARIO

Court File Number

(Name of court)

Family Law Rules, O. Reg. 114/99

Form 36: Affidavit for Divorce

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) *Applicant*

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 and province)

and I swear/affirm that the following is true:

We are the applicants

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~~ *our* 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. both applicants listed and no respondent).

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

Changes will have to be made throughout the form in a Joint Application to reflect that both of you are signing.

If you are unable to provide your marriage certificate, indicate this here. Further information about this subject is detailed at the beginning of this guide.

Copy for archive purposes. Please consult original publisher for current version.
Copie à des fins d'archivage. Veuillez consulter l'éditeur original pour la version actuelle.

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.)

FLR 36 (06/00)

Continued on next sheet
(Français au verso)

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 court staff or 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.

..... 11

Form 25A : Divorce Order – Joint Application

This form is to be completed by both applicants and filed with an Affidavit for Divorce – Form 36.

ONTARIO

SEAL

Court File Number

Family Law Rules, O.Reg. 114/99

Form 25A: Divorce Order

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).

Judge (print or type name)

~~Respondent(s)~~ **Applicant**

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.

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

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

Continued on next sheet
(Français au verso)

FLR 25A (01/00)

Page 1 of the form is similar to all other forms (i.e. both applicants listed and no respondent).

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.



Inside this Guide

- 1** Introduction to the Family Courts in Ontario
- 2** Applications
- 3** Answers
- 4** Case Conferences
- 5** Motions
- 6** Uncontested Divorce
 - Simple Application
 - General Application
 - Joint Application

- 7** General Information Sheets
 - ✓ Serving Documents
 - Filing Documents
 - Going to Court

- 8** Financial Statements

Superior Court of Justice

Ce guide est également disponible en français.

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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 7: General Information Sheets

Serving Documents

"Serving" documents means providing copies of documents to the other party in a court case. Documents must be served on the other party at each step in the court process. By serving the other party, you are **notifying** him or her of the step you are taking and of the information you will be presenting to the court.

How can documents be served?

There are **two** types of service:

- Special Service
- Regular Service

Special Service

Applications must be provided to the other party by "special service." Most other court documents can be provided by regular service. Any of the following methods can be used to serve documents requiring special service:

- Handing a copy of the documents to the respondent, or the respondent's lawyer.
- Handing a copy of the documents to any person at the respondent's home who appears to be an adult person living at that address **and** within one day, mailing a copy to the respondent at that address.
- Mailing a copy of the documents to the respondent's home address together with an acknowledgement of service in the form of a prepaid return postcard – Form 6. Service will only be valid when the respondent returns the signed postcard to the applicant.

You cannot use regular mail or fax your Application to the other party.

Personal Safety: If you fear for your safety in serving court documents personally on the respondent, talk to the court staff and they will arrange to serve the respondent for you. You can also ask a friend or family member to assist you or you can hire a lawyer or process server to serve the documents.

The names of process servers can be found in the Yellow Pages under "Process Server."

Regular Service

Once the Application has been served, most other documents can be served by "regular service."

Regular service includes special service plus:

- **Mailing or couriering** the documents to the other party or to his or her lawyer.
- **Faxing** the documents to the other party or his or her lawyer, as long as the total number of pages is no more than **16**, including any cover page or back sheet.

When a document is served by fax, a cover page should indicate:

- The sender's name
- Address
- Telephone number

- Fax number
- Name of the person being served
- The date and time of the fax
- The total number of pages
- The name and phone number of the person to contact in case of transmission problems

Answers

Answers are **usually** served on the applicant by regular service. The only exception is if the respondent is making a claim against a third party in his or her Answer. The Answer must be served on the third party by special service.

Problems Serving Documents

On rare occasions, you may be unable to serve the other party using the methods included under regular or special service. For example, you may be unable to locate the other party, or he or she may be evading service. You can bring a motion without notice asking the court for permission to notify the other party in some other way (such as service by advertisement) or for an order that service is not required.

Refer to the Motions Guide for more information.

When is service effective?

It is important to know when service is effective because that is when the clock starts ticking for the other party to respond by serving his or her documents. For example, a respondent who lives in Canada has **30** days after he or she is

served with an Application to respond by serving an Answer.

- If a copy of the documents are handed personally to the respondent or the respondent's lawyer, or to a person living at the respondent's home, service will be effective on the day the documents were served, as long as this was done before 4:00 pm on a day when the court is open. Otherwise, service will be effective on the next day the court is open.
- If the documents were served by fax, service will be effective on the day the documents were faxed if this was done before 4:00 pm on a day when the court is open. Otherwise, service will be effective on the next day the court is open.
- If the documents were served by regular mail, service will be effective on the 5th day after the document(s) were mailed.
- If the documents were served by courier, service will be effective the day after the document(s) were picked up.
- Documents cannot be served on Sunday, except with the court's permission.

Proof that the Documents Were Served

Affidavit of Service – Form 6B

Once a document is served on the other party, the person who served the documents must complete an Affidavit of Service – Form 6B describing how he or she served the documents on the other party.

Form 6B: Affidavit of Service

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:

Check one box only and go to indicated paragraph.

- ☐ special service. (Go to paragraph 3 below if you used special service.)
- ☐ mail. (Go to paragraph 4 if you used mailed service.)
- ☐ courier. (Go to paragraph 5 if you used courier.)
- ☐ deposit at a document exchange. (Go to paragraph 6 if you used a document exchange.)
- ☐ fax. (Go to paragraph 7 if you used fax.)
- ☐ 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:

Check one box only. Strike out paragraphs 4 to 8 and go to paragraph 9.

- ☐ leaving a copy with the person.
- ☐ leaving a copy with (name) _____
 - ☐ who is a lawyer who accepted service on the person's behalf.
 - ☐ who is the person's lawyer of record.
 - ☐ 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.

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 Recording.

For more information on filing, see the General Information Sheet – "Filing Documents".



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Part 7: General Information Sheets

Filing Documents

What is the Continuing Record?

The Continuing Record is a record of all the important documents in your case. The general rule is that any document that is served and filed must be put into the Continuing Record.

The Continuing Record is kept in the court office, in the court file. Both parties should also have their own copies of the Continuing Record.

Who prepares the Continuing Record?

In most cases, the applicant is responsible for initial preparation of the Continuing Record. Both the applicant and the respondent will file their documents in the Continuing Record.

The Continuing Record is prepared at the court office. Court staff will provide parties who are not represented by a lawyer with the materials needed to prepare the Continuing Record, including:

- A front cover
- A Table of Contents
- Tabs
- A Fastener

Documents that you file in the Continuing Record must be punched with three holes and identified by a numbered tab. Court staff will have a sample Continuing Record to help parties prepare the Continuing Record. You should seek assistance from court staff if you have any questions about how to prepare the record.

How is the Continuing Record organized?

The requirements for the preparation of the Continuing Record are set out in a document called “Formal Requirements of the Continuing Record under the Family Law Rules” and available through the Ontario Courts website at www.ontariocourts.on.ca.

Part I of the Continuing Record has the following sections:

1. Table of Contents
 - The cumulative Table of Contents must be updated every time a document is filed in the record.
 - The Table of Contents indicates where the document is located in the record.
 - When you serve documents on the other party, you must also serve an updated Table of Contents.
 - Pages 4 and 5 of this guide shows a sample Table of Contents and how it must be updated.
2. Endorsements
 - Contains blank sheets for the judge to write endorsements.
 - Contains copies of all court orders and reasons for judgment.
3. Pleadings
 - You must file all the documents which start or answer a case (such as an Application, Answer, or Reply) in this section.

- Documents are filed behind numbered tabs, in chronological order of filing, with the most recently filed document at the back of the section.
- The tab number should be recorded in the Table of Contents.
- Behind each numbered tab, number the pages of the document continuously, starting with page 1. You do not need to show these page numbers in the Table of Contents.

4. Financial Statements

- You must file all financial statements and the documents that are required to be attached to them in this section.
- Documents are filed behind numbered tabs, in chronological order of filing, with the most recently filed document at the back of the section.
- The tab number should be recorded in the Table of Contents.
- Behind each numbered tab, number the pages of the document continuously, starting with page 1. You do not need to show these page numbers in the Table of Contents.

In some cases, there may be a Part II of the Continuing Record, which contains all other documents filed in the case. For example, this part could include motions and supporting affidavits, documents to enforce a payment order other than a support order, and trial management conference briefs.

Part II is not created unless there is a document to be filed in it. Documents are filed in Part II behind numbered tabs, in chronological order of filing, with the most recently filed document at the end. Part II must start with a new tab sequence.

Note:

- **Documents cannot be removed from the Continuing Record, except by court order.**
- **Affidavits of Service** must be filed in a sleeve in the court file, not in the Continuing Record.
- **Case Conference Briefs** are not filed in the Continuing Record, unless the court orders otherwise. If the court orders you to file the Case Conference Brief in the Continuing Record, make sure that any portions of the brief that discuss settlement are not visible.
- **Settlement Conference Briefs** are never filed in the Continuing Record.

Separate Records

In certain situations, there may be separate records: one for the applicant and one for the respondent. Only the applicant's documents are filed in the Applicant's Record, and the respondent's documents are filed in the Respondent's Record.

The separate records are organized like the regular Continuing Record, except that the endorsements section is in the Applicant's Record only.

Distinct Records

Cases to determine a child protection application, an application for a status review of a child protection order, support enforcement involving the Director of the Family Responsibility Office, or a motion to change a final order or agreement will each have their own records, apart from a Continuing Record that may have already been created.

These distinct records are organized differently from the regular Continuing Record. However, like the regular Continuing Record, they may also be separated in certain situations.

Summary of Organization of the Continuing Record

The chart below provides a summary of the organization of a Continuing Record.

CONTINUING RECORD		
SINGLE RECORD	SEPARATE RECORDS	
Continuing Record	Applicant's Record	Respondent's Record
Red cover	Red cover	Blue cover
Part I	Part I	Part I
- Table of contents	- Table of contents	- Table of contents
- Endorsements (only in 1 st volume)	- Endorsements (only in 1 st volume)	
- Pleadings	- Pleadings	- Pleadings
- Financial statements	- Financial statements	- Financial statements
Part II	Part II	Part II
- All other documents	- Applicant's other documents	- Respondent's other documents

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Time Limits for Filing Documents

The court rules contain certain time limits for filing documents. Many of the forms have the time limits printed on them. For example, the respondent in a case has **30** days from the date he or she is served with the Application to file an Answer. This information is on both the Application (General) – Form 8, as well as the Answer – Form 10.

What happens if you miss a deadline?

Court staff cannot accept documents if the deadline for filing the documents has past. The time for serving and filing some documents may be extended if you have written consent from the other party. If you do not have the other party's consent, you may bring a procedural motion asking the judge for an order to extend the timelines. *Refer to the Motions Guide for more information.*

Counting Days

There are two ways in which days are counted for the purposes of filing deadlines:

- 1. If the time for completing something is less than seven days:** weekends, holidays and other days when the court office is closed are **not** counted.
- 2. If it is more than seven days:** you count every day.

In the example of filing an Answer: weekends, holidays and other days when the court office is closed are counted as part of the 30 days. Most timeframes in the *Family Law Rules* are greater than seven days. A sample of counting days is shown below.

Remember: Documents cannot be served on Sunday, unless the court gives its permission.

Counting Days Example

October						
Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	31

November						
Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
1	2	3	4	5	6	7
8	9	10	11 Remembrance Day	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30					

The respondent is served with the Application.

DAY 1: The respondent has 30 days to serve and file an Answer.

Deadline for completion: Because the period ended on a weekend, the respondent has until the end of the next business day to serve and file an Answer.

Holiday: The day still counts as part of the 30 days.

DAY 30: The 30-day deadline for the respondent to serve and file an Answer falls on a weekend. Court offices are closed. The period therefore ends on the next day when court offices are open.



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Part 7: General Information Sheets

Going to Court

Preparing to Attend Court

On or before the day of your court date, it is important that you give some consideration to the following practical matters:

Day Care for Your Children

Try not to bring your children to court. Day care cannot be provided for them and children in the courtroom are sometimes distracting. You should take all reasonable steps to provide alternative care for them when you are attending court.

Booking Off Time From Work

Your court attendance may take longer than you originally think. If you need to take time off work to come to court, make sure your employer is appropriately alerted.

Transportation to Court

It is important to attend court on time. Try to be early. Pre-court settlement discussions can often lead to agreements that will put an early end to your case. You should organize your transportation to court to ensure that you will not be late.

Get Your Bearings in the Court House

When you attend the Superior Court of Justice, it is important that you get your bearings in the court house. Some court buildings may be very busy with various court lists, and not all of them may involve family law cases.

If your court house has an information desk, show your papers to the person

sitting at the desk and he or she will direct you to the right place. If there is no information desk and you are uncertain as to where you should go, find the Family Law Information Centre and assistance will be given to you.

Who You Will See in the Courtroom

When you enter the courtroom, you may see all or some of the following persons:

The Judge

In a courtroom (or a motions room), the judge will be sitting on the elevated platform called a “Bench”. His or her formal title is “Mr. Justice X” or “Madam Justice Y”, but you may refer to the judge as “Your Honour”. The judge will be wearing a black gown with a red sash.

The Court Registrar

Sitting near and below the Judge’s Bench is the Court Registrar. He or she wears a black gown. The Court Registrar hands material to the judge and keeps the records of the court organized. Any exhibits or documents to be given to the judge are to be handed to the Court Registrar.

The Court Reporter

The person sitting opposite the Registrar is the Court Reporter or Monitor who is responsible for ensuring that all of the court proceedings are properly recorded. If you wish a transcript of all or part of your case,

it will be provided to you by the Court Reporter or Monitor for a prescribed fee.

Court Service Officers

Judges are assisted by Court Service Officers, often referred to as “CSOs.” The CSO will be wearing a uniform that includes a dark blue blazer with the Ontario Coat of Arms on the pocket. You should advise him or her that you are present and are ready to have your case heard. CSOs are available to answer your questions about when your case might be heard, whether the other parties to your case have arrived, where to find duty counsel, etc.

Duty Counsel

In some court locations, there may be Duty Counsel from Legal Aid Ontario to assist people who cannot afford to hire lawyers.

Lawyers

You may notice that, below the Judge’s Bench, there is a bar that divides the courtroom. The public normally sits behind the bar and lawyers normally sit in front of it. Lawyers will be wearing black gowns.

Courtroom Behaviour

It is important that every person in the courtroom be respectful and courteous to everyone else. If the judge speaks to you or you are asked to speak to the judge, you should stand. Only one person should speak at a time. It is very difficult for a judge to administer justice if parties are angry or disrespectful towards each other or the court.

Representing Yourself

It is strongly recommended that people who have cases in the Superior Court of Justice obtain legal representation. If you would like to have a lawyer represent you, but don’t know how to find one, or feel you can’t afford to hire one, ask staff in the Family Law Information Centre to assist you.

If you decide to represent yourself, you will be held to the same standard as parties who have lawyers acting for them. You will be responsible for informing yourself about the law and the rules of the Superior Court of Justice.

At each step in the case, the judge may make an order for costs by setting out the amount that is to be paid and the party that is responsible for payment. If you are claiming costs, it is a good idea to provide information to the court that will help the judge decide the amount.

Normally, the judge will order the party who is not successful pay the costs of the party who is successful. Costs may include the expenses of carrying on the case, such as lawyer’s fees.

The judge may also make an order for costs in cases if a party has behaved unreasonably. For example, when:

- A party fails to appear in court;
- A party is not properly prepared;
- A party has acted in bad faith; or
- A lawyer or agent has run up costs without reasonable cause.



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Part 8: Financial Statements

What is a Financial Statement?

A Financial Statement provides the court with a snapshot of your income, expenses, property and debts at a specific point in time.

The court needs this information in cases where it must decide whether a person is entitled to support from a parent, spouse or partner, or where a property claim is made.

In a Financial Statement, you will be required to give detailed information about:

- The amount and sources of your income;
- Monthly living expenses for you and your dependants, including any children living in your home;
- Your property and debts.

What kinds of cases require a Financial Statement?

A Financial Statement is required in cases involving claims for support, for property, or for exclusive possession of the matrimonial home and its contents.

For more information about these types of claims, refer to the booklet "*What you should know about Family Law in Ontario*" available at <http://www.attorneygeneral.jus.gov.on.ca/english/family/famlawbro.asp>

Who is required to complete a Financial Statement?

Generally, you must complete a Financial Statement if you are making or responding to a claim for:

- Support
- Property
- Exclusive possession of the matrimonial home and its contents.

You must complete, serve and file a Financial Statement even if you are not answering or responding to the claim.

Who is NOT required to complete a Financial Statement?

You do not need to complete a Financial Statement if:

- **You are asking for support and:**
 - Your only support claim is for child support in the table amount specified under the Child Support Guidelines; and
 - You are not making or responding to any claims affecting property or exclusive possession of the matrimonial home and its contents;
- **You are a party to claim for spousal support under the *Divorce Act* (Canada), and you and the other party have filed a consent agreeing:**
 - Not to file a Financial Statement;
 - To a specified amount of support; or
 - To no support;

- You are a party to a claim for custody and/or access, and there are no claims for support or property.

For more information about claims under the Child Support Guidelines, refer to the website at <http://www.attorneygeneral.jus.gov.on.ca/> or visit the Family Law Information Centre in the court location nearest you.

Note that you must complete a Financial Statement if the court orders you to do so.

Which Financial Statement do I complete?

There are two Financial Statement forms, **Financial Statement (Support Claims) – Form 13** and **Financial Statement (Property and Support Claims) – Form 13.1**. You must complete one of these forms depending on the specific circumstances of your case.

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.

The image shows two versions of Ontario Financial Statement forms. The top form is Form 13: Financial Statement (Support Claims) sworn/affirmed. The bottom form is Form 13.1: Financial Statement (Property and Support Claims) sworn/affirmed. Red circles highlight the title of each form, and red arrows point from the explanatory text to these titles.

Form 13: Financial Statement (Support Claims) sworn/affirmed

Form 13.1: Financial Statement (Property and Support Claims) sworn/affirmed

INSTRUCTIONS

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.

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.

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.) _____

When do I need to provide more financial information?

Updating information before any case conference, motion, settlement conference or trial

You are required to update your Financial Statement at each new stage in the case. If the previous Financial Statement filed is more than 30 days old, you 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.

Correcting information

As soon as you find out that the information in the Financial Statement is incorrect or incomplete, or there is a material change in your circumstances that affects the information in the Financial Statement, you must serve on every other party to the case and file with the court:

- A new Financial Statement – Form 13 or Form 13.1 (if applicable) with updated information,
- OR**
- If changes are minor, an Affidavit – Form 14A setting out the details of these changes.

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

How do I fill out a financial statement?

Staff at the Family Law Information Centre can provide you with court forms and can answer general questions about the court process. This section provides tips on how to fill out the Financial Statement form that applies to your case.

General tips:

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 the application was filed 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 **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 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.
6. Read the **instructions** on the first page of the Financial Statement to make sure you are completing the correct form. It is a good idea to read the form through

once to see the type of questions being asked and then complete it.

7. Do not complete the entire Form 13 if you are only responding to a claim for child support in the table amount specified under the Child Support Guidelines, and you agree with the claim. In that case, you only need to complete parts 1, 2 and 3 of Form 13.
8. The Financial Statement generally sets out your financial situation. You may also be required to provide information about the financial situation of other people in your household. For instance, if you are making or responding to a claim for undue hardship, you must include income information for everyone in your household. If you are sharing expenses with a partner, you should also indicate this and provide that person's income information.
9. 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.

Tips on filling out the following parts of the forms:

Income and Expenses: Parts 1 to 4

When you calculate monthly income and expenses, give the current actual amount if you know it or can find out. To get a monthly figure, multiply any weekly income by 4.33 or divide any yearly income by 12.

Give your income, automatic deductions from income and monthly expenses for the

12 months immediately preceding the making of the statement.

In each table, space is provided under “Other” for items that should be included in the section, but which are not specifically listed in the table. Attach an extra sheet listing these items if there is not enough space in the box under “Other.”

If you include a proposed budget, photocopy Part 4, complete it, change the title to “Proposed Budget” and attach it to the form. A proposed budget is not mandatory. You may want to include a proposed budget if you are claiming spousal support and/or a contribution towards special expenses for children. A proposed budget can show how you propose to spend the money you are requesting.

Other Income Information: Part 5

Attach to the form copies of your income tax returns and notices of assessment for the past three taxation years. If you do not have this information, complete Direction to Canada Customs and Revenue Agency – Form 13A and attach it to the form, or include a statement from the Canada Customs and Revenue Agency that you have not filed any income tax returns for the past three years.

Do not attach a tax return for the past three years if you are an Indian within the meaning of the *Indian Act* (Canada). Indicate in the appropriate box if this is the case.

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.

Refer to the Child Support Guidelines to find out whether you must attach other income information to the form. For more information about claims under the Child Support Guidelines, refer to the website at <http://www.attorneygeneral.jus.gov.on.ca/> or visit the Family Law Information Centre in the court location nearest you.

Other Income Earners in the Home: Part 6

Read the instructions to determine whether you need to complete this part. Complete this part only if you are making a claim for undue hardship or for spousal support.

Property and Debts: Parts 7 to 9 (Form 13) and Parts 7 to 12 (Form 13.1)

If any sections in parts 7 to 9 (Form 13) or parts 7 to 12 (Form 13.1) do not apply, do not leave the section blank. Instead, print “NONE” in the section.

For parts 7 to 8 (Form 13.1), show items owned on the dates in each of the columns listed. Under Part 7, show any items you owned on the date of marriage, even if you disposed of those items before the valuation date.

Changes in your financial situation: Page 6 (Form 13) and Page 9 (Form 13.1)

Make sure you indicate in the appropriate box whether you expect or do not expect **changes in your financial situation**. If you expect changes in your financial situation, list them.