

Joint Divorce With No Dependent Children

Court of King's Bench

Joint Divorce With No Dependent Children



Resolution Services



Alberta
Government

**These instructions have been prepared for you by
Resolution Services. Contact us at:**

Calgary

7th floor South
Calgary Courts Centre
601 - 5 Street SW
Phone 403-476-4744

Edmonton

8th floor, Brownlee Building
10365 - 97 Street
Phone 780-415-0404

Grande Prairie

Main Floor, Court House
10260 - 99 St.
Phone: 780-833-4234

Lethbridge

1st Floor, Court House
320 - 4 St. S
Lethbridge AB T1J 1Z8
Phone: 403-388-3102

Red Deer

Main Floor, Court House
4909 - 48 Ave
Phone: 403-340-7187

Medicine Hat

Court House
460 First Street SE
Medicine Hat, AB T1A 0A8
Phone 403-529-8716

**Outside these centres, call the
Resolution Services Contact Centre at 1-855-738-4747**

***Resolution Services and Court Staff cannot give you legal
advice, or predict the outcome of your case.***

***This booklet provides general information only. You should
speak to a lawyer for legal advice about your own situation.***

JOINT DIVORCE – NO DEPENDENT CHILDREN

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INSTRUCTIONS: JOINT DIVORCE WITH NO DEPENDENT CHILDREN

BEFORE YOU BEGIN

Disclaimer:

These are meant to be simple, straightforward instructions for completing a divorce on your own. There may be other ways of completing the divorce. If you want to find out if there is a different way than what is written here, or if you want any more information than what has been given, talk to a lawyer.

In these instructions, we often tell you to ask questions or get forms from the Resolution Support Centre. If there is no Resolution Support Centre in your court, ask the King's Bench Clerks for the information or forms.

Were you married?

If you were living "common law", then you do not need to do anything through the courts to end your relationship. It is only if you went through an official wedding ceremony that you need to get a divorce. This may have been in Canada or outside of Canada.

Do you have the correct marriage certificate?

If you were married in Canada, you need the marriage certificate that was issued by the Province after your marriage. If you have a hand-written certificate that was given to you at the time of your wedding, that is likely not the right one. If you were married in Alberta, you can order a marriage certificate from any registry office. If you were married in another province, search "marriage certificate" on the government home page for that province.



Tip:

Most people do not receive a marriage certificate from the government unless they go through the process of ordering one. It is not sent automatically after the marriage ceremony.

If you were married outside Canada, an official marriage certificate is helpful, but not required.

Have you and/or your spouse lived in Alberta for at least a year?

If not, you can't file for divorce in Alberta. You will be able to file once you (or your spouse) have lived in Alberta for a year.

Do you have grounds for divorce?

The grounds for a joint divorce are living separate and apart for one year.



Tips:

You can start the divorce before the year of separation is up, but you can't ask for the Divorce Judgment until after the year is up.

Use the Divorce Checksheet at the end of these instructions for a handy summary of the forms and photocopies you will need.

COMPLETING THE JOINT STATEMENT OF CLAIM

Court File number

Leave this blank for now. When you file the Statement of Claim, the clerk will give you a number.

Judicial Centre

This is the Court of King's Bench location where you will be filing your documents.

Spouse 1 and Spouse 2

Decide now which of you will be called "Spouse 1" and which will be "Spouse 2". You will keep this label in all of the forms.

Look at your marriage certificate. Use the names exactly as they are on the marriage certificate except that if the wife has assumed the husband's last name, you can use her married last name.

For example, the marriage certificate lists you as John Edward Kerry and Jane Amanda Fraser. Jane goes by Jane Kerry. You will list yourselves as John Edward Kerry and Jane Amanda Kerry.



Tip:

Whenever there is a space to write in any names on any of the forms, write in the full name.

Address for Service and Contact Information

Write in both parties' names, complete addresses, including postal code and daytime phone numbers.

#1: The Parties

Make sure the date and place of the marriage are the same as on your marriage certificate.

1(3) and 1(4)

- Address means the complete address, including postal code.
- Surname at birth means the last name at the time of birth.
- Surname at the time of marriage means the last name just before your marriage took place.
- Gender at the time of marriage would be one of "male", "female", or "another gender".
- Marital status of the parties at the time of the marriage would be one of "single", "divorced" or "widowed".

#2: Residence

One of you **MUST** have lived in Alberta for one full year before you file the Statement of Claim. If you have not, you must wait. Choose either Spouse 1 or Spouse 2 here.

#3 Grounds

Do not write anything in here.

#4 Reconciliation

Do not write anything in here. If you believe there **IS** a possibility of reconciliation, then you should not file for divorce.

#5 Bars to Divorce

Do not write anything in here.



Tip:

"Collusion" means agreeing with your spouse to make up facts so that you can get your divorce, or get divorced sooner.

#6 Children

6(1) In the line for the first child, write in "There are no children of the marriage" or if there are children, but they are all grown, write "There are no dependant children of the marriage". Do not fill in any more of #6

#7 Agreements

If you have an agreement regarding spousal support, provide the type of agreement (e.g. Separation Agreement) and the date it was signed. If there is no agreement, say "none".

#8 Court Proceedings

8(1) If you have been to court to deal with spousal support, state the type of order that was made and the Court and date (e.g. Spousal Support Order made by the Provincial Court of Alberta on March 15, 2021). If you have not been to court, say "none".

8(2) If either party is involved in any court proceedings for a restraining order or protection order (e.g. EPOs), court proceedings related to child protection, or proceedings, undertakings or recognizances relating to a criminal matter, list the details here (e.g. Emergency Protection Order granted by the Provincial Court of Alberta on March 5, 2021 between John Edward Kerry and Jane Amanda Fraser). If there are no proceedings, say "none".



Tip:

If you have questions about how criminal proceedings, child protection proceedings, or protection orders may affect your divorce, you should talk to a lawyer before going any further

#9 Spousal Support

Check off the first box if no spousal support is to be paid. If spousal support is to be paid, check the second box and fill in which party is paying support, the amount of support, and whether it is monthly or a lump sum.

#10 Remedy Sought

This is a summary of what you are asking for. Check off all of the things you are requesting, and make sure to include "divorce judgment".

Statement of Spouse 1

Fill in Spouse 1's name. This statement outlines Spouse 1's duties under sections 7.1 to 7.5 of the *Divorce Act*. Spouse 1 must certify that they will comply with these duties prior to filing the Statement of Claim for Divorce.

Statement of Lawyer for Spouse 1

You do not have to fill this in if you are representing yourselves.

Statement of Spouse 2

Fill in Spouse 2's name. This statement outlines Spouse 2's duties under sections 7.1 to 7.5 of the *Divorce Act*. Spouse 2 must certify that they will comply with these duties prior to filing the Statement of Claim for Divorce.

Statement of Lawyer for Spouse 2

You do not have to fill this in if you are representing yourselves.

FILING THE JOINT STATEMENT OF CLAIM

Print out the form.

Make 2 copies (original + 2 copies)



Tip:

Make sure all of your pages have print only on one side (no double sided printing or copying!)

One or both of you can come to court house to file the Joint Statement of Claim. Bring all of your copies, plus \$260 (cash, Interac, Visa or Mastercard) and your marriage certificate to the Court of King's Bench. In larger centres, there will be a specific registry counter for filing divorce documents.

The clerk will keep your original Joint Statement of Claim, and will show you how to stamp and write the file number on your copies. Each of you will get one filed copy.



Tip:

It is possible, so long as you have been separated for more than one year, to complete all of the forms and file them with the Court at the same time. If you want to do this, complete the forms up to the end of page 16 before coming to the court house for filing.

COMPLETING THE JOINT REQUEST FOR DIVORCE

Court File Number
Judicial Centre
Spouse 1
Spouse 2



These are all the same as
in the Statement of Claim

Address for Service and Contact Information

Write in your names, complete addresses, including postal code and daytime phone numbers.

Print out the form and sign it.

Make two copies.

COMPLETING THE AFFIDAVIT OF APPLICANTS FOR DIVORCE (JOINT)



Tips:

This form is quite complex, and you may need to add information that does not fit in the spaces provided. If that happens, you should use the Word version of Form FL-24, on the King's Bench section of the albertacourts.ca website.

Fill out all of the parts of this form, unless the instructions tell you otherwise.

Court File Number
Judicial Centre
Spouse 1
Spouse 2



These are all the same as
in the Statement of Claim

Address for Service and Contact Information

Write in your names, complete addresses, including postal code and daytime phone numbers.

Affidavit of

Fill in both names.

Sworn on

Fill this in after you swear the Affidavit of Applicant.

Introductory paragraph of Affidavit:

Fill in your names and cities/towns of residence.

#1: Parties

Fill in the complete addresses of both parties

#2: Joint Statement of Claim for Divorce

Go back and read over your Joint Statement of Claim. If there are no mistakes, check off the first box.

If there are any mistakes in it, check off the second box and check the appropriate box(es) to specify the changes that are required.

#3: Marriage

Enter in the date and place of your marriage.

There are two checkboxes. If you were married in Canada, use the first checkbox. If you were married outside Canada, use the second checkbox.

First Checkbox (marriage in Canada)

- The marriage certificate will be Exhibit "A".
- Beside the words "issued by", fill in the Province or Territory where you were married.
- If there are errors in your marriage certificate, please specify. Otherwise check "none".



Tips:

- If you were married in Canada, you must have a marriage certificate to complete this step.
- You must attach the original marriage certificate (as you received it from the provincial government office), not a photocopy.

Second Checkbox (marriage outside Canada)

- Fill in the name and title of the person who conducted your marriage ceremony.
- Fill in the names of the people who witnessed your marriage ceremony.
- You may make changes to this statement to reflect the details of your marriage ceremony. You will probably need to use the Word version of the FL-24 form to do this, and may want to speak to a lawyer about this.
- If you have a marriage certificate, or some other document proving your marriage, you may attach it as Exhibit "A". You will probably need to use the Word version of the FL-24 form to do this.

**Tips:**

- If you cannot remember the name of the person who conducted your marriage ceremony, say “unknown”, but it is helpful to describe the person (e.g. “a government official who we believed to have the authority to conduct marriages”).
- If your marriage certificate is not in English or French, you will have to have it translated by a person who will swear before a Commissioner for Oaths that they have properly translated it into English. Attach the translation of the marriage certificate as Exhibit “B”.

#4: Residence

Choose either Spouse 1 or Spouse 2 – to show which of you had lived in Alberta for at least one year before the Statement of Claim was filed. This must match #2 of the Statement of Claim.

#5: Grounds

Fill in the date that you separated (must be more than one year ago!).

#6: Bars to Divorce

Do not write anything here.

**Tips:**

#6 refers to one of the “Bars” to divorce. It talks about making an agreement to deceive the court. An example of this would be if you and your spouse had only recently separated, but agreed to lie to the court and say that you had been separated for a year.

If #6 is not true, the judge will not grant the divorce, and you should talk to a lawyer before going any further.

#7: Reconciliation

Do not make any changes.

#8: Corollary Relief

Leave both the checkboxes blank if you are only asking for a Divorce Judgment and there is no claim for spousal support.

If you are including spousal support in your Divorce Judgment and Corollary Relief Order, then you will check the first box.

If there is no spousal support in your Divorce Judgment, but that issue has been severed from the divorce by an order, check the second box and enter the details of the order.

#9: Protection Orders, Child Protection Orders or Criminal Proceedings

9(a) List the details of any current criminal charges against you or your spouse, and the details of any conditions either of you are required to follow in relation to a criminal proceeding.

9(b) List the details of any current involvement of you or your spouse in the child protection system.

9(c) List the details of any protection orders (eg: EPOs) or restraining orders involving you or your spouse.



Tip:

If you have questions about how criminal proceedings, child protection proceedings, or protection orders may affect your divorce, you should talk to a lawyer before going any further.

#10: Children

Check off the box that says there are no children of the marriage. If you are using the PDF form, this may delete #11 – 14 and re-number the remaining paragraphs of the Affidavit.

#15 (#11): Spousal Support

If you and your spouse do not have a written agreement for support, and no spousal support is being included in your Divorce Judgment, check off the first box. Select the appropriate check box for your situation.

If you and your spouse have a written agreement, and you received independent legal advice on the agreement, check off the second box and indicate whether spousal support is waived or whether spousal support is payable. If spousal support is payable, specify how much support is payable, and whether it is lump sum or monthly support.

If the first two boxes do not apply to you, check the third box and explain. An example of this would be if you have agreed to a spousal support amount, but you do not have a written agreement for spousal support with independent legal advice.

#16 (#12): Relief Requested

Check off the items that you are wanting in the Divorce Judgment.

If you indicated in #2 that the Joint Statement of Claim requires changes, you must check of the "other" box and explain what you are asking for (e.g. "Leave to amend paragraph 1(1)(a) of the Joint Statement of Claim to show the marriage date as August 23, 1997").

Print off the form.

Put the Affidavit of Applicant together as follows:

- All pages of the Affidavit
- Your marriage certificate, taped onto a plain piece of paper
- The English translation of the marriage certificate (if applicable)

The documents attached to your Affidavit of Applicant will be marked as Exhibits "A", "B", etc.

You must both sign the Affidavit in front of a Commissioner for Oaths. The Clerk at the Court of King's Bench Divorce Counter or the staff at Resolution Services can act as a Commissioner for Oaths for you.

Make two copies of the Affidavit of Applicant and all exhibits AFTER it is sworn.

COMPLETING THE DIVORCE JUDGMENT



Tip:

- This form is designed for the simple divorce. If you need to add clauses, you will have to use the Word versions of Form FL-25 on the King's Bench section of the albertacourts.ca website.
- If you are including a Corollary Relief Order for Spousal Support in your Divorce Judgment, then use the FL-26 form and refer to the "Desk Divorce with Dependent Children" instruction booklet for information on how to complete your Divorce Judgment and Corollary Relief Order.
- **Ensure any references to "Plaintiff" and "Defendant" are changed to "Spouse 1" and "Spouse 2"**

Court File Number
Judicial Centre
Spouse 1
Spouse 2



These are all the same as
in the Statement of Claim

Address for Service and Contact Information

Write in both of your names, complete addresses, including postal code and daytime phone numbers.

Date on which Judgment is granted
Location of Hearing or Trial
Name of Judge who granted...



Leave all of these
blank

Introductory paragraphs (also called the Preamble)

Fill in your names

IT IS HEREBY ADJUDGED

Fill in the date of your marriage and the place (city and province / country)



Tip:

If there were mistakes in the Statement of Claim as set out in #2 of the Affidavit of Applicant for Divorce, you must include clauses granting leave to amend the Statement of Claim. (e.g. "It is Ordered That leave is granted to amend paragraph 1(1)(a) of the Statement of Claim to show the marriage date as August 23, 1997")

Signatures

Both parties must sign the Divorce Judgment and Corollary Relief Order in front of a witness, and the witness must sign an Affidavit of Execution before a Commissioner for Oaths. The staff at Resolution Services or the King's Bench clerks will be able to assist with this.

"THE SPOUSES ARE NOT FREE TO REMARRY"

Do not remove this paragraph.

Make 2 copies of the Divorce Judgment for your own records.

FILE THE REQUEST FOR DIVORCE AND SUPPORTING DOCUMENTS

Bring to the court house:

- Completed "Checklist for Filing of Desk Divorce Packages"
- Request for Divorce (+ 2 copies)
- Affidavit of Applicant (+ 2 copies – made after Affidavit is sworn)
- Divorce Judgment
- 9 x 12 inch envelope addressed to each you with sufficient postage (1 envelope for each of you) – *Not required if you have provided your email addresses on the "Checklist for Filing of Desk Divorce Packages"*

The clerks will return filed copies of all of the documents, except the Divorce Judgment to you.

Your divorce will then be reviewed. This may take a day or two in smaller centres, and up to several weeks in larger centres.

If you have made mistakes, your divorce will be rejected, and you will be told what to correct. You will have to correct the mistakes, then re-submit the corrected documents. Do not feel badly if your documents are rejected, as it happens frequently.

If the paperwork is all correct, a Justice will sign the Divorce Judgment.

You will each then receive the Divorce Judgment in the mail or by email.

REQUEST YOUR CERTIFICATE OF DIVORCE

Wait 31 days from when the Divorce Judgment was signed, then you may request the Certificate of Divorce using the following web-based form: <https://albertacourts.ca/qb/areas-of-law/family/divorce-forms/request-for-certificate>

Court File Number
Court Location
Names of Both Parties



These are all the same as
in the Statement of Claim

Your Name, Address, Phone and Email

Write in your name, complete address (including postal code), daytime phone number, and email address.

Fill in the number of copies required

Indicate why you need the Certificate of Divorce using the checkboxes beside A, B, and C.

Click "Request Certificate of Divorce"



Tips:

- You will need this Certificate if you want to re-marry.
- If you are unable to complete the online request form, you may be able to get a paper request from the King's Bench clerks

YOU ARE FINISHED!

DIVORCE CHECKSHEET

- JOINT STATEMENT OF CLAIM FOR DIVORCE.....ORIGINAL & 2
Copies (\$260 filing fee)

- JOINT REQUEST FOR DIVORCE.....ORIGINAL AND 2 COPIES

- JOINT AFFIDAVIT OF APPLICANTS.....ORIGINAL AND 2 COPIES

- DIVORCE JUDGMENTORIGINAL

- TWO LARGE (9 x 12 inch) STAMPED, SELF ADDRESSED ENVELOPES
*One addressed to each of you - Not required if you have
provided your email addresses on the "Checklist for Filing of
Desk Divorce Packages"*



ONLINE FORM - REQUEST FOR CERTIFICATE OF DIVORCE



Submissions must be prepared in accordance with the filing announcements as **noted in the filing requirements links below**, and when submitted, must be accompanied by this completed and signed Checklist. This document can be signed electronically. Any updates to the filing requirements will be posted on Courts website
Failure to complete and submit this Checklist, along with documents for filing, **will** result in the submission being rejected.

Please note effective March 1, 2021 the Divorce Act and the Alberta Rules of Court have been updated and amended. All Divorce packages must be in the updated format. Document samples can be found here:
<https://www.albertacourts.ca/qb/areas-of-law/family/divorce-forms>

Divorce Package is in the correct form for submission after March 1, 2021

All forms comply with the **filing requirements** as stated here:
<https://www.albertacourts.ca/qb/resources/announcements/new-email-filing-procedure> and
<https://www.albertacourts.ca/qb/court-operations-schedules/guidelines-for-documents-filed-by-email-or-digital-upload>

Divorce Package:

- Request for Divorce
- Affidavit of Applicant (Counsel to retain original marriage certificate)
- Divorce Judgment
- Any relevant supplementary or additional affidavits that correct errors to your divorce package
- Child support calculation (if there are children)
- Certificate of Parenting After Separation (if there are children under 16) **OR** Exemption from the Court

Joint Divorce Package:

- Joint Request for Divorce
- Joint Affidavit of Applicants (Counsel to retain original marriage certificate)
- Divorce Judgment
- Any relevant supplementary or additional affidavits that correct errors to your divorce package
- Child support calculation (if there are children)
- Certificate of Parenting After Separation (if there are children under 16) **OR** Exemption from the Court

Previously Filed Documents to be included with Package for all packages (applies to all Packages)

- Statement of Claim, **OR** Counterclaim (if Defendant is submitting Package) **OR** Joint Statement of Claim
- Affidavit of Service (not required for Joint Divorce Package)
- All other pleadings (Statement of Defence, Noting in Default, Demand for Notice, Counterclaim)
(not required for Joint Divorce Package)
- Any previously filed orders relating to service, severing of corollary relief or orders granted under rule 12.50

Divorce Judgment Requirements:

- Divorce Judgment (with consent of opposing party where required)
- Parenting Plan attached as Schedule to Divorce Judgment (if parties have submitted a Parenting Plan)

Mailing address for return of Divorce Judgment.
 Plaintiff **Email** Address: _____
 Plaintiff **Mailing** Address: _____
 Defendant **Email** Address: _____
 Defendant **Mailing** Address: _____

I certify that the documents I am submitting are being filed as per the above outlined requirements.

Signature of person submitting documents