

Joint Divorce With No Dependent Children

Court of Queen'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, Calgary Courts Centre
601 - 5 Street SW
Phone 403-297-6981

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 Queen'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

(<https://cfr.forms.gov.ab.ca/form/CTS3830.pdf>)

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 location where you will be filing your documents. Use the drop down menu to choose.

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.
- 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, 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

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 June 6, 2016). If you have not been to court, say “none”.

#9 Spousal Support

Check off one or more of the boxes and fill in the reasons.

#10 Remedy Sought

This is a summary of what you are asking for. In most cases, you should check off at least:

divorce judgment

Statement of Solicitor

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 Queen'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 13 before coming to the court house for filing.

COMPLETING THE JOINT REQUEST FOR DIVORCE

(<https://cfr.forms.gov.ab.ca/form/CTS3839.pdf>)

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 JOINT AFFIDAVIT OF APPLICANT

(<https://cfr.forms.gov.ab.ca/form/CTS3841.pdf>)



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 Queen's Bench section of the albertacourts 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, occupations and city of residence.

1: Parties

Fill in the complete addresses of both parties

2: Marriage

There are two checkboxes here. 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)

- Fill in the date and place of the marriage. The marriage certificate will be Exhibit "A".
- Beside the words "issued by", fill in "the province of ..." and state the province where you were married.



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 date and place of the marriage (City and Country).
- If you have a marriage certificate, or some other document proving your marriage, that will be Exhibit "A". At the drop down menu, select the type of document that you have.
- Fill in the place of the marriage again, then the name of the person who conducted your marriage ceremony.
- Fill in the names of the people who witnessed your marriage ceremony.



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".

If you don't have a marriage certificate, cross off the part of the paragraph that refers to attaching it as an exhibit.

#3 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.

#4 Grounds

Fill in the date that you separated (must be more than one year ago!) and the place that you were living at the time that you separated.

#5 Bars to Divorce

Do not write anything here.



Tips:

#5 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 #5 is not true, the judge will not grant the divorce, and you should talk to a lawyer before going any further.

#6 Children

Check off the box that says there are no children of the marriage.

#7 Spousal Support

If the two of you have a written agreement in which you both waive spousal support, check off the first box.

If one of you will pay spousal support to the other, check off the second box, and use the drop down menus to select which party will pay and which will receive the spousal support. Then fill in the amount and explain when it will be paid (e.g. monthly, or lump sum).

If neither of you will be paying spousal support but you do not have a written agreement, handwrite in the following, after you print off the form: “Neither spouse will pay spousal support.”

#8 Reconciliation

Do not write anything here.

#9 Statement of Claim for Divorce

Go back and read over your 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 list them here.

For example, "Paragraph 1(1)(a) of the Statement of Claim lists the wrong date of marriage. Instead of January 15, 2000, it should be August 23, 1997."

#10 Relief Requested

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

Check off at least:

A divorce judgment

If there were mistakes in the Statement of Claim, check off "other" and ask for leave to amend the Statement of Claim.

For example, "Leave is requested to amend paragraph 1(1)(a) of the 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 if it is smaller than letter sized paper).
- The English translation of the marriage certificate (if applicable)
- Copies of previous orders (if applicable)
- Copies of agreements (if applicable)

The documents attached to your Affidavit of Applicant will be marked as Exhibits "A", "B", etc. by the Commissioner for Oaths.

Sign your Affidavit in front of a Commissioner for Oaths. The Clerk at the Court of Queen's Bench Divorce Counter or the staff at Resolution Support Centre 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 JOINT DIVORCE JUDGMENT

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.

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)

For the paragraph ("THE PARTIES have agreed to waive..."), if the two of you have:

- A written agreement in which you both have waived spousal support, AND
- You each had a lawyer sign the agreement with you (Certificate of Independent Legal Advice)

then leave this paragraph in. Otherwise, cross out this paragraph.

IT IS ADJUDGED

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

Blank paragraphs

If you want to add extra terms to your Judgment, put them here. Number the paragraphs in order.



Tip:

If there were mistakes in the Statement of Claim, you must include clauses granting leave to amend the Statement of Claim. (e.g. "Leave is granted to amend paragraph 1(1)(a) of the Statement of Claim to show the marriage date as August 23, 1997")

Each of you must sign the Divorce Judgment. Your signatures must be witnessed and the witness must complete the Affidavit of Execution before a Commissioner for Oaths.

Make 2 copies of the Divorce Judgment and Corollary Relief Order for your own records.

FILE THE REQUEST FOR DIVORCE AND SUPPORTING DOCUMENTS

Bring to the court house:

- 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.

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

Your divorce will then be reviewed by the clerks to make sure that the paperwork has been filled out correctly. 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. If the paperwork is all correct, the clerks will give the divorce to a Justice, who will then review it themselves, and if they approve, will sign it.

You will each then receive the Divorce Judgment in the mail.

REQUEST YOUR CERTIFICATE OF DIVORCE

Wait at least 31 days from when the Divorce Judgment was signed.

Then complete the online form, found here:

<https://albertacourts.ca/court-of-queens-bench/publications-forms/divorce-forms/request-for-certificate-of-divorce>



Tips:

You will need this Certificate if you want to re-marry.

If you are wanting to re-marry and the wedding will take place outside of Canada, make sure to select that option on the online form. The Clerk will give you the Certificate in a special format and can tell you what further steps you need to take to have it authenticated for use outside the country.

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 APPLICANT.....ORIGINAL AND 2 COPIES
 - JOINT DIVORCE JUDGMENTORIGINAL
 - TWO LARGE (9 x 12 inch) STAMPED, SELF ADDRESSED ENVELOPES
One addressed to each of you
-

31 DAYS OR MORE AFTER JUDGMENT SIGNED

- ORDER CERTIFICATE OF DIVORCE (online form)