

Desk Divorce With Dependent Children

# Court of Queen's Bench

Desk Divorce With Dependent Children



**Resolution Services**



*Alberta*  
Government

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

**Calgary**

7<sup>th</sup> floor, Calgary Courts Centre  
601 - 5 Street SW  
Phone 403-297-6981

**Edmonton**

8<sup>th</sup> floor, Brownlee Building  
10365 – 97 Street  
Phone 780-415-0404

**Grande Prairie**

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

**Lethbridge**

1<sup>st</sup> 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.***

# **DESK DIVORCE – WITH DEPENDENT CHILDREN**

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# **INSTRUCTIONS: UNCONTESTED DIVORCE WITH DEPENDENT CHILDREN**

## **BEFORE YOU BEGIN**

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### **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 Family Justice Services – Family Law Information office. If there is no Family Justice Services office or Family Law Information 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 know where your spouse is?**

Your spouse will have to be served with the document that starts your divorce. If you can’t find your spouse, you should think about hiring a lawyer to do your divorce.

### **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 divorce in Canada are:

- Living separate and apart for one year
- Adultery - i.e. your spouse had sexual intercourse with a person other than you. In most cases, your spouse must be willing to sign an Affidavit admitting adultery.
- Mental or Physical cruelty of such a nature as to make it impossible to continue living together.



**Tip:**

If you are using one year separation as your ground, 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.

**Do you have an agreement on the issues of custody, access (parenting), child support and spousal support?**

A written agreement is best, but a verbal agreement will often be fine.

If you do not have an agreement, you may want to speak to your spouse about mediation, or you may want to talk to a lawyer.

**Have you taken the Parenting After Separation Seminar?**

If you have not yet taken the seminar, you should complete the online course as soon as possible. See the Family Practice Note 1 <https://albertacourts.ca/docs/default-source/Court-of-Queen's-Bench/practice-note-1-july-20-2015.pdf?sfvrsn=2> for more information.

You can find the course at <https://www.alberta.ca/pas.aspx>

Once you complete the online course, you will be given a Certificate to print. Each of you must file this certificate with the court to complete the divorce.



***Tip:***

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

## COMPLETING THE STATEMENT OF CLAIM

(<https://cfr.forms.gov.ab.ca/form/CTS3823.pdf>)

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### **Court File number**

Leave this blank. 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. If you are using the online form, use the drop down menu to choose the location.

### **Plaintiff and Defendant**

You are the Plaintiff. Your spouse is the Defendant

Look at your marriage certificate. Use the names exactly as they are on the marriage certificate except that if the wife has taken 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 is currently using the name 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**

The address that you enter here is called your "address for service" because by listing this address, you are saying to the other person that you can be served with court documents at this location. If the Defendant wants to serve you with documents responding to your Statement of Claim, they can serve you by leaving the documents at this address – they do not have to personally serve you.

Most self represented parties will use their home address as their address for service. If you want to use another address, make sure the person who lives at that address knows that documents may be left there for you.

Write in your name, the complete address for service, including postal code and daytime phone number.

### **#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 of that person at the time of birth.
- Surname at the time of marriage means the last name used by that person 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**

You and/or your spouse **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 Plaintiff or Defendant here.

### **#3: Grounds**

Choose your grounds for divorce. You can choose more than one.

### **#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**

If you are using grounds of one year separation, do not do anything here. If you are using grounds of adultery or cruelty, check off the box at #5(2).





### **Tips:**

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

“Connived” means tricking your spouse into committing adultery or cruelty.

“Condoned” means forgiving your spouse for committing adultery or cruelty.

### **#6: Children**

6(1) Fill in the full names and dates of birth of each of your dependent children. If there are more than two, use the + sign to add more lines to the online form.

6(2) Fill in the terms of the agreement that you and your spouse have about custody. If you don't have an actual agreement, write in your proposal.

6(3) Fill in the terms of the agreement that you and your spouse have about access. If you don't have an actual agreement, write in your proposal.

Example:

6(2) The Plaintiff proposes custody for each child as follows:

*The Plaintiff and Defendant shall have joint custody of the children. The children will live primarily with the Plaintiff.*

6(3) The Plaintiff proposes access or parenting arrangements for each child as follows:

*The Defendant will have reasonable access to the children, including the following:*

- *every second weekend from Friday after school until Sunday at 8:00 pm*
- *one half of school vacation periods*
- *other access as agreed between the parties.*

6(4) Fill in the terms of the agreement that you and your spouse have about child support. You may either put in a dollar amount, or say that the paying spouse will pay “child support as set out in the Federal Child Support Guidelines.” If you don't have an agreement, write in your proposal.



### ***Tips:***

The judge must be satisfied that the amount of child support is reasonable before they can grant your divorce. In most cases, this means that the amount of child support must be the amount calculated by the Federal Child Support Guidelines. There are very limited cases where the judge can order child support in an amount that does not follow the federal child support guidelines.

Before you fill in 6(4), you should understand how child support is calculated under the Federal Child Support Guidelines.

### **#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 parenting, custody, access, child support or spousal support, state the type of order that was made and the name of the Court that made the Order and the date the order was made (e.g. Spousal Support Order made by the Provincial Court of Alberta on June 6, 2006). 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
- custody as proposed above
- access or parenting arrangements as proposed above
- child support as proposed above

### **Statement of Solicitor**

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

## **FILING THE STATEMENT OF CLAIM**

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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!)

Bring all of your copies, plus \$260 (cash, Interac, Visa or Mastercard) 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 Statement of Claim, and will show you how to stamp and write the file number on your copies. Take the 2 filed copies with you.

## **SERVING THE STATEMENT OF CLAIM**

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Your Statement of Claim must be personally served (i.e. handed to the Defendant) by someone over the age of 18. At the same time, the Defendant must be served with the Notice of Mandatory Seminar.

You cannot serve the Defendant yourself.

If it will be difficult or impossible to serve the Defendant personally, you can ask the court for an Order for Substitutional Service. Ask the staff at the Family Justice Services – Family Law Information counter for the forms and instructions to apply for this kind of order.

If the Defendant lives outside of Canada, you must ask the court for an Order allowing you to serve them outside Canada. Ask the staff at the Family Justice Service – Family Law Information counter for the forms and instructions to apply for this kind of order.



### ***Tip:***

We strongly recommend that you hire a process server to serve your Statement of Claim on your spouse. The process server will ensure that service is done properly, and will give you a completed, sworn Affidavit of Service. You can find a list of process servers in your yellow pages or by searching “process server alberta” on the internet.

### **Give the process server:**

- One filed copy of the Statement of Claim.
- Two copies of the Notice of Mandatory Seminar
- A photograph of the Defendant. Put an “X” on the photo to identify the Defendant.
- Information about how to find the Defendant.

**If you are not hiring a process server, here are important points to remember:**

- Give the person who will be serving your spouse one filed copy of the Statement of Claim, one copy of the Notice of Mandatory Seminar and the photograph of the Defendant.
- The person serving must ask the Defendant if they are the person named (e.g. "Are you John Dennis Barker?") and use the photo to make sure they are serving the right person.
- To serve, the Statement of Claim must be HANDED TO the Defendant.
- The person who serves should make a note of the **date** that they served and the **address** where the Defendant was served.
- The person who serves must go to the Commissioner for Oaths to have the Affidavit of Service sworn.

## COMPLETING THE AFFIDAVIT OF SERVICE

(<https://cfr.forms.gov.ab.ca/form/CTS3694.pdf>)

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If you have hired a process server, they will complete the Affidavit of Service for you. If not, follow these instructions.

**Court File Number**  
**Judicial Centre**  
**Plaintiff**  
**Defendant**



These are all the same as  
in the Statement of Claim

### Address for Service and Contact Information

Write in your name, complete address, including postal code and daytime phone number (not that of the person who served).

### Affidavit of

Fill in the name of the person who served.

### Sworn on

On the day that the Affidavit of Service is sworn, fill in the date.

### Introductory paragraph of Affidavit

Fill in the name, occupation and city and province of residence of the person who served the Statement of Claim.

#### #1

- Fill in the date that the Statement of Claim was served and the Defendant's name
- Check off Statement of Claim for Divorce and fill in date that the Statement of Claim was filed.
- If you served the Notice of Mandatory Seminar, check off that box and write in that it is Exhibit "A".
- Check off boxes for any other documents that you served, and either fill in the date filed, or state that you are attaching them as Exhibits "B", "C", etc.
- In the last section of #1, select "copy" or "copies" and "it" or "them", then fill in the Defendant's name again and the full address where the Defendant was served.

#### #2

Select "he" or "she".

### #3

Fill in the Exhibit letter that will match the photograph of the Defendant.

Print off the form. Put the document together like this:

- The Affidavit of Service
- A copy of the Notice of Mandatory Seminar (if served). This will be marked as Exhibit "A".
- The photograph, taped on to a plain piece of paper. The photograph page is also marked as an exhibit.

The Clerks and Family Justice Services – Family Law Information staff have stamps to mark exhibits. If you are having the Affidavit sworn elsewhere, mark it like this:

This is Exhibit "____" in the Affidavit of ____ sworn before me this ____  _____ A Commissioner for Oaths in and for the Province of Alberta
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Fill in the first blank with the exhibit letter, the second with the name of the person who served and the third with the date sworn.

The person who served must have the Affidavit of Service sworn before a Commissioner for Oaths.

Make one copy of the complete Affidavit of Service, including the photograph. Copy it AFTER it has been sworn.



#### **Tips:**

- If the Defendant was served in Alberta, they have 20 days to respond to the divorce if they do not agree with the relief you are asking for.
  - If they were served elsewhere in Canada, they have one month.
  - If they were served outside Canada, they have two months.
- If the Defendant has not responded within the time period, you can go ahead and fill in the other court forms needed to complete the divorce. However, if your ground for divorce is one year separation, you must also make sure that one year has passed before filing the remaining documents.
- If the Defendant does respond by filing a Statement of Defence or Demand of Notice, you can go ahead with the other court forms only if the Defendant will sign their consent on the forms. If they are not willing to consent, you should talk to a lawyer.

## COMPLETING THE NOTING IN DEFAULT

([www.albertacourts.ca/forms/cts3784.pdf](http://www.albertacourts.ca/forms/cts3784.pdf))

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Wait the number of days set out above to allow the Defendant to respond to the divorce, if they want to.

**Court File Number**  
**Judicial Centre**  
**Plaintiff**  
**Defendant**



These are all the same as  
in the Statement of Claim

### **Document**

Beside the words "Noting in Default of", fill in the Defendant's name, and the word "Defendant".

### **Address for Service and Contact Information**

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

In the body of the form, on the first line, type in your name and the word "Plaintiff", then on the third line, type in the Defendant's name and the word "Defendant".

In the first spot with a drop down menu, select the words, "has not" and in the second spot, select the word, "is".

Print out the form and make one copy.



# COMPLETING THE REQUEST FOR DIVORCE

([www.albertacourts.ca/forms/CTS3698.pdf](http://www.albertacourts.ca/forms/CTS3698.pdf))

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**Court File Number**  
**Judicial Centre**  
**Plaintiff**  
**Defendant**



These are all the same as  
in the Statement of Claim

## Address for Service and Contact Information

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

### # 1

Fill in your name

### # 2

Fill in the name of the person who served the Statement of Claim, and the date that the Statement of Claim was served.

### # 4

Check off the boxes that apply to you. You may check off more than one box (e.g. if the Defendant has filed a response to the divorce and is now consenting).

### # 5

Fill in the DEFENDANT's complete address, including postal code.

### # 6

Fill in the Defendant's lawyer's complete address. If the Defendant has no lawyer, fill in "none".

### # 7

Fill in YOUR lawyer's complete address. If you have no lawyer, fill in "none"

Print out the form and make one copy.

## **THE CHILD SUPPORT CALCULATION**

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The Child Support Data Sheets are not filed with the court. They are worksheets that the Family Justice Services / Family Law Information Centre staff will use to prepare a child support calculation. It is OK if they are filled out in pencil, or if they are messy.

Complete the Child Support Data Sheets, found at the end of this package.

Bring the completed Data Sheets plus proof of both spouse's incomes (e.g. last year's tax return and/or pay stubs showing how much has been earned so far this year) to the Family Justice Services / Family Law Information Centre or, if there is no Centre at your court, to the Queen's Bench clerk's counter.

The staff will do a child support calculation for you and attach it to a Review Memo.



### ***Tips:***

- Proof of income is required in most cases. IF you think you have an unusual case where the financial information is not required, talk to the Family Justice Services - Family Law Information staff. The fact that you have an agreement on child support (or that there is to be no child support) is NOT an unusual case.
- If the Defendant will not give you proof of their income, you can serve them with a Notice to Disclose.  
([www.albertacourts.ab.ca/forms/CTS3835.pdf](http://www.albertacourts.ab.ca/forms/CTS3835.pdf))
- Use the same incomes and special expense amounts in your Affidavit of Applicant and your Divorce Judgment.

# COMPLETING THE AFFIDAVIT OF APPLICANT

([www.albertacourts.ca/forms/cts3840.pdf](http://www.albertacourts.ca/forms/cts3840.pdf))

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## **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-23, 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**  
**Plaintiff**  
**Defendant**



These are all the same as  
in the Statement of Claim

## **Address for Service and Contact Information**

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

## **Affidavit of**

Fill in your name.

## **Sworn on**

Fill this in after you swear the Affidavit of Applicant.

## **Introductory paragraph of Affidavit**

Fill in your name, occupation and city of residence.

## **# 1: Parties**

Fill in the complete address of the Defendant.

## **#2: Service**

Check the Affidavit of Service to see what exhibit letter was used for the photo of the Defendant. Put that letter in here.

### # 3: 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". If you are using the online form, use the drop down menu to 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.

#### **#4 Residence**

Choose either Plaintiff or Defendant – 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**

Check the one box that applies. The grounds must match those in #3 of the Statement of Claim.

**First box** – separation of one year. 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.

**Second box** – adultery. In most cases, the Defendant must be willing to sign an Affidavit admitting the adultery. If they are not willing to admit, you should talk to a lawyer.

**Third box** – mental or physical cruelty. Explain what the Defendant did that was cruel, how that affected you, when you separated, and how you have felt since the separation.

## **#6 – 8: Bars to Divorce**

If your ground is one year separation, do not check off any boxes.

If your ground is adultery or cruelty, check off all the boxes in 7 and 8.



### ***Tips:***

- #6 – 8 refer to the “Bars” to divorce. If any of these are not true, the judge will not grant the divorce.
- #6 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.
- #7 talks about encouraging your spouse to commit adultery or cruelty.
- #8 talks about forgiving your spouse for committing adultery or cruelty.
- Note that #7 and #8 only apply if you are using adultery or cruelty grounds.
- If #6 – 8 are not true for you, then you should talk to a lawyer before going any further.

## **#9 – 15: Children**

If there are dependent children, 9 – 13, 14(a) – (e) and 15 MUST be completed.

### **#9**

Check off the second box, write in the number of dependent children of the marriage, then complete with their full names and dates of birth.

### **#10**

If the two of you have been to court to deal with custody and access (parenting), child support or spousal support, list the orders that have been granted.

e.g. "Provincial Court Parenting Order granted November 16, 2011"

You must attach copies of all orders granted as an exhibit to your Affidavit.

If there are no orders, write in "None".

### **#11**

If the two of you have a written agreement which deals with custody and access (parenting), child support or spousal support, fill in the details asked for in the form. Check off the first box and attach a copy of the agreement as an exhibit.

If there is more than one agreement, on the online form, use the "Add Agreement" button to list the other agreement(s).

If there are no written agreements, write in "none" in the first blank.

### **#12**

Write in the terms of the agreement that you and your spouse have about custody and access (parenting) for any children under the age of 18. If you don't have an actual agreement (i.e. you made a proposal in the Statement of Claim, and your spouse has not objected to it), then write in the terms of your proposal.

### **#13**

Write in the amount of child support that is to be paid (table amount and special expenses), who it will be paid by (either "the Plaintiff" or "the Defendant") and the date that it will start or that it has started.



#### **Tip:**

- If there is not going to be any child support paid, after you print off the form, write in here, "child support to be reserved". Reserved child support means that there is no child support right now, but the door is open to apply in the future.

**#14(a)**

Write in the details about your income.

Example:	
Employment income	\$25,976
Other income (self employment)	<u>\$13,121</u>
For a total income of	\$38,997
Minus the following adjustments under Schedule III of the Federal	
Child Support Guidelines (union dues)	<u>    \$597</u>
For a guideline income of	\$38,400

**#14(b)**

Write in the details about the Defendant's income.



**Tips:**

- The “adjustments permitted under Schedule III” include union dues and professional fees. There are some other, unusual, adjustments allowed. If you have questions about adjustments, talk to the Family Justice Services - Family Law Information staff.
- The incomes that you state here must match those in the Child Support Calculation.

**#14(c)**

Write in the table amount of support that is to be paid by the person named as the payor in the Child Support Calculation. If custody is shared or split, this will be the set-off amount.



### **#14(d)**

If there are special expenses, check off the first box, and list the ANNUAL amounts of these expenses.

If there are no special expenses, check off the second box. If the parent who has the child living with them works out of the home, explain why there are no child care costs claimed.



#### ***Tips:***

- If special expenses are being paid by the person listed as the payor in the Child Support Calculation, state that here. If using the online form, you will have to write it in later.
- The special expenses listed here must match those in the Child Support Calculation.

### **#14(e)**

State which party (if any) is covering medical / dental insurance for the children.

### **#14(f) – 14(h)**

Complete these items only if you have more information that you want the court to know relating to these.

### **#14(i)**

If the amount of child support is different from the amount on the Child Support Calculation, explain why you have agreed to a different amount.

### **#14(j)**

Complete only if you have any more information that you want the court to know.

### **#15**

Explain how you know about the Defendant's income. (e.g. "The Defendant gave me a copy of his Notice of Assessment for last year.")

### **#16 Spousal Support**

If you and your spouse 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."

### **#17 Reconciliation**

Do not write anything here.

### **#18 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.

(e.g. "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.")

### **#13 Relief Requested**

Check off the items that you are wanting in the Divorce Judgment. In most cases, you should check off at least:

- A divorce judgment
- An order for a parenting arrangement as set out above
- An order for child support as set out above

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

(e.g. "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
- 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.

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 Family Justice Services – Family Law Information can act as a Commissioner for Oaths for you.

Make one copy of the Affidavit of Applicant and all exhibits AFTER it is sworn.

## COMPLETING THE DIVORCE JUDGMENT AND COROLLARY RELIEF ORDER

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### **Tip:**

- The standard online form does not work well for most people doing their own divorces. We recommend that you use the fill in the blank form available with this package.

**Court File Number  
Judicial Centre  
Plaintiff  
Defendant**



These are all the same as in the Statement of Claim

### **Address for Service and Contact Information**

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

**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 the guideline income of the two parties.



### **Tips:**

- Remember to put the Defendant's income first.
- These incomes must be the same as in the Affidavit of Applicant and the Child Support Calculation.

Fill in the full names and dates of birth of the dependent children.

For the next paragraph ("THE PARTIES have agreed to depart..."), if the two of you have agreed to an amount of child support that is different from the guideline amount, write in the reason why you have agreed to a different amount. If you are using the guideline amount of support, cross out this paragraph.

For the next 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, remove this paragraph.

## **IT IS ADJUDGED**

### **#1**

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

## **IT IS ORDERED**

### **#2**

Check off the box to say whether you and the Defendant will have joint or sole custody. If joint custody, check off one of the boxes to show where the children will live. Cross off the appropriate words so that paragraph says what your custody arrangements will be.

### **#3**

This is the access or parenting time paragraph. Complete it with the terms of your access / parenting arrangement.

### **#4**

Complete and cross out the appropriate words to show the payment of the table amount of child support. If you and the Defendant have agreed to different amount of child support or a total amount of child support, which is intended to include special expenses as well as the table amount, use this paragraph.

### **Next paragraph**

If there is an amount to be paid for special (section 7) expenses, number this paragraph as #5 and complete it to show the amount, date, and details of the special expenses.

### **Blank paragraphs**

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

### **Last two paragraphs**

These paragraphs are required. Number them so that all of your paragraphs are in order.



#### ***Tips:***

- This is your Court Order that is going to govern your parenting and child support for the future. Be careful deciding how it should be worded. Get help from a lawyer if necessary.
- Write out the terms of the Judgment as if it is the Judge telling you what is going to happen.
- Use "The Plaintiff" to refer to you and "The Defendant" to refer to your spouse.
- Use complete sentences.
- Do not word your Judgment like an agreement. For example, saying "IT IS ORDERED that the parties agree that they will share custody" is wrong. The court cannot order parties to agree.
- 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")

Make 1 copy of the Judgment for your own records.

## **FILE THE REQUEST FOR DIVORCE AND SUPPORTING DOCUMENTS**

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Bring to the court house:

- Affidavit of Service (+ 1 copy)
- Noting in Default (+ 1 copy)
- Request for Divorce (+ 1 copy)
- Review Memo and Child Support Calculation (+ 1 copy)
- Affidavit of Applicant (+ 1 copy)
- Parenting After Separation Certificate or Exemption form (+1 copy)
- Divorce Judgment and Corollary Relief Order
- 9 x 12 inch envelope addressed to you with sufficient postage.
- Business size (#10) envelope addressed to the Defendant 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. 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, the clerks will give the divorce to a Justice, who will then review it themselves, and if they approve, will sign it.

You will then receive the Divorce Judgment in the mail. A copy will also be mailed to the Defendant.

# THE REQUEST FOR THE CERTIFICATE OF DIVORCE

([www.albertacourts.ca/forms/cts3697.pdf](http://www.albertacourts.ca/forms/cts3697.pdf))

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Wait 31 days from when the Divorce Judgment was signed.

**Court File Number**  
**Judicial Centre**  
**Plaintiff**  
**Defendant**



These are all the same as  
in the Statement of Claim

## Address for Service and Contact Information

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

In the body of the form, fill in your name (in two spots), and the town/city and province in which you live.

Print out the form. Date and sign it

Bring the form to the courthouse. The clerk will process the request and provide you with the Certificate of Divorce while you wait.



### ***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 tell the Clerk when you ask for your Certificate of Divorce. 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**

## **FIRST TRIP TO THE COURT HOUSE**

- STATEMENT OF CLAIM FOR DIVORCE.....ORIGINAL & 2 Copies  
(\$260 filing fee)
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## **SECOND TRIP TO THE COURT HOUSE**

- AFFIDAVIT OF SERVICE.....ORIGINAL AND 1 COPY
- NOTING IN DEFAULT.....ORIGINAL AND 1 COPY
- REQUEST FOR DIVORCE.....ORIGINAL AND 1 COPY
- REVIEW MEMO AND CHILD SUPPORT CALCULATION...ORIGINAL AND 1 COPY
- AFFIDAVIT OF APPLICANT.....ORIGINAL AND 1 COPY
- PARENTING AFTER SEPARATION CERTIFICATE OR EXEMPTION FORM  
(ORIGINAL AND 1 COPY)
- DIVORCE JUDGMENT AND COROLLARY RELIEF ORDER.....ORIGINAL
- TWO STAMPED, SELF ADDRESSED ENVELOPES  
9 x 12 inch envelope addressed to you  
Business size envelope addressed to your spouse
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## **LAST TRIP TO THE COURT HOUSE**

- REQUEST FOR CERTIFICATE OF DIVORCE.....ORIGINAL