

Court File Number

[SEAL]

(Name of court)

at

Court office address

**Form 8A: Application
(Divorce)**

☐ Simple (divorce only)

☐ Joint

Applicant(s)

Full legal name:

Address:

Phone & fax:

Email:

Applicant(s) Lawyer

Name:

Address:

Phone & fax:

Email:

Respondent(s)

Full legal name:

Address:

Phone & fax:

Email:

Respondent(s) Lawyer

Name:

Address:

Phone & fax:

Email:

☐ **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 motion is scheduled, whichever comes first.

IF, AFTER 365 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 within 60 days unless the parties file proof that the case has been settled or one of the parties asks for a case 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 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. (Go to www.legalaid.on.ca/.)

☐ **THIS CASE IS A JOINT APPLICATION FOR DIVORCE. THE DETAILS ARE SET OUT ON THE ATTACHED PAGES.** The application and affidavits in support of the application will be presented to a judge when the materials have been checked for completeness.

If you are requesting anything other than a simple divorce, such as support or property or exclusive possession of the matrimonial home and its contents, then refer to page 1 for instructions regarding the Financial Statement you should file.

Date of issue

Clerk of the court

FAMILY HISTORY

APPLICANT: Age: _____ Birthdate: (d, m, y) _____
Resident in (municipality & province) _____
First name on the day before the marriage date: _____
Last name on the day before the marriage date: _____
Gender on the day before the marriage date:
☐ Male ☐ Female ☐ Another gender
Divorced before? ☐ No ☐ Yes (Place and date of previous divorce) _____
Habitually resident in the province of Ontario for at least one year
immediately before this application was filed? ☐ No ☐ Yes

RESPONDENT/JOINT APPLICANT: Age: _____ Birthdate: (d, m, y) _____
Resident in (municipality & province) _____
First name on the day before the marriage date: _____
Last name on the day before the marriage date: _____
Gender on the day before the marriage date: _____
☐ Male ☐ Female ☐ Another gender ☐ Gender information not available
Divorced before? ☐ No ☐ Yes (Place and date of previous divorce) _____
Habitually resident in the province of Ontario for at least one year
immediately before this application was filed? ☐ No ☐ Yes

RELATIONSHIP DATES:

☐ Married on (date) _____ ☐ Started living together on (date) _____
☐ Separated on (date) _____ ☐ Never lived together

THE CHILD(REN)

List all children involved in this case, even if no claim is made for these children.

Full legal name	Age	Birthdate (d,m,y)	Resident in (municipality & province)	Now Living With (name of person and relationship to child)

PREVIOUS CASES OR AGREEMENTS

Have the parties or the children been in a court case before?

☐ No ☐ Yes

Have the parties made a written agreement dealing with any matter involved in this case?

☐ No ☐ Yes (Give date of agreement. Indicate which of its terms are in dispute. Attach an additional page if you need more space.)

Has a Notice of Calculation and/or a Notice of Recalculation been issued by the online Child Support Service in this case?

☐ No ☐ Yes (Give date(s) of Notice(s) of Calculation or Recalculation.)

If yes, are you asking the court to make an order for child support that is different from the amount set out in the Notice?

☐ No ☐ Yes (Provide an explanation.)

CLAIMS

USE THIS FRAME ONLY IF THIS CASE IS A JOINT APPLICATION FOR DIVORCE

WE JOINTLY ASK THE COURT FOR THE FOLLOWING:

Claims under the *Divorce Act*

- 00 ☐ a divorce
01 ☐ spousal support
02 ☐ support for child(ren) –
table amount
03 ☐ support for child(ren) –
other than table amount
04 ☐ decision-making responsibility
for child(ren)
05 ☐ parenting time with child(ren)

Claims under the *Family Law Act* or *Children's Law Reform Act*

- 10 ☐ spousal support
11 ☐ support for child(ren) –
table amount
12 ☐ support for child(ren) –
other than table amount
13 ☐ decision-making responsibility for
children
14 ☐ parenting time with child(ren)
15 ☐ restraining/non-harassment order
16 ☐ indexing spousal support
17 ☐ declaration of parentage
18 ☐ guardianship over child's property

Claims relating to property

- 20 ☐ equalization of net family
properties
21 ☐ exclusive possession of
matrimonial home
22 ☐ exclusive possession of
contents of matrimonial
home
23 ☐ freezing assets
24 ☐ sale of family property

Other claims

- 30 ☐ costs
31 ☐ annulment of marriage
32 ☐ prejudgment interest
50 ☐ Other (Specify)

USE THIS FRAME ONLY IF THE APPLICANT'S ONLY CLAIM IN THIS CASE IS FOR DIVORCE.

I ASK THE COURT FOR:

(Check if applicable.)

- 00 ☐ a divorce 30 ☐ costs

IMPORTANT FACTS SUPPORTING THE CLAIM FOR DIVORCE

- ☐ **Separation:** The spouses have lived separate and apart since (date) _____ and
☐ have not lived together again since that date in an unsuccessful attempt to reconcile.
☐ have lived together again during the following period(s) in an unsuccessful attempt to reconcile: (Give dates.)

- ☐ **Adultery:** (Name of spouse) _____ has committed adultery.
(Give details. It is not necessary to name any other person involved but if you do name the other person, then you must serve this application on the other person.)

☐ **Cruelty:** (Name of spouse) _____ has treated (name of spouse) _____ with physical or mental cruelty of such a kind as to make continued cohabitation intolerable. (Give details.)

USE THIS FRAME ONLY IF THIS CASE IS A JOINT APPLICATION FOR DIVORCE.

The details of the other order(s) that we jointly ask the court to make are as follows: (Include any amounts of support and the names of the children for whom support, decision-making responsibility, parenting time or contact is to be ordered.)

IMPORTANT FACTS SUPPORTING OUR CLAIM(S)

(Set out the facts that form the legal basis for your claim(s). Attach an additional page if you need more space.)

APPLICANT'S CERTIFICATE

(Your lawyer, if you are represented, must complete the Lawyer's Certificate below.)

Sections 7.1 to 7.5 of the *Divorce Act* and section 33.1 of the *Children's Law Reform Act* require you and the other party to:

- Exercise your decision-making responsibility, parenting time, or contact with a child in a manner that is consistent with the child's best interests;
- Protect the child from conflict arising from this case, to the best of your ability;
- Try to resolve your family law issues by using out-of-court dispute resolution options, if it is appropriate in your case (for more information on dispute resolution options available to you, including court-connected mediation, you can visit the [Ministry of the Attorney General's website](#) or www.stepstojustice.ca);
- Provide complete, accurate, and up-to-date information in this case; and
- Comply with any orders made in this case.

We/I certify that **we are/I am** aware of these duties under the *Divorce Act* and the *Children's Law Reform Act*.

Complete this section if your only claim is for a divorce. Your lawyer, if you are represented, must complete the Lawyer's Certificate below.

Date of signature

Signature of applicant

Complete this section if you are making a joint application for divorce.

Date of signature

Signature of joint applicant

Date of signature

Signature of joint applicant

LAWYER'S CERTIFICATE

My name is: _____
and I am the applicant's lawyer in this case. I certify that I have complied with the requirements of section 7.7 of the *Divorce Act* and section 33.2 of the *Children's Law Reform Act* regarding reconciliation and the duty to discuss and inform.

Date

Lawyer's signature

My name is: _____
and I am the applicant's lawyer in this case. I certify that I have complied with the requirements of section 7.7 of the *Divorce Act* and section 33.2 of the *Children's Law Reform Act* regarding reconciliation and the duty to discuss and inform.

Date

Lawyer's signature