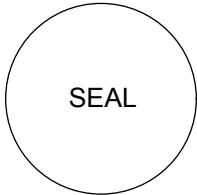


Court File Number



(Name of court)
at _____
Court office address

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

- ☐ Simple (divorce only)
☐ 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 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. (See your telephone directory under **LEGAL AID**.)

☐ **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) _____
since (date) _____

Surname at birth: _____ Surname just before marriage: _____

Divorced before? ☐ No ☐ Yes (Place and date of previous divorce) _____

RESPONDENT/JOINT APPLICANT:

Age: _____ Birthdate: (d, m, y) _____

Resident in (municipality & province) _____
since (date) _____

Surname at birth: _____ Surname just before marriage: _____

Divorced before? ☐ No ☐ Yes (Place and date of previous divorce) _____

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 a 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 ☐ custody of child(ren)
- 05 ☐ access to 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 ☐ custody of child(ren)
- 14 ☐ access to 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, custody or access 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.)

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

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

Date of signature

Signature of joint applicant

Date of signature

Signature of joint applicant

LAWYER'S CERTIFICATE

My name is: _____

and I am the lawyer for *(name)* _____ in this divorce case. I certify that

I have complied with the requirements of section 9 of the *Divorce Act*.

Date

Signature of Lawyer

My name is: _____

and I am the lawyer for *(name)* _____ in this divorce case. I certify that

I have complied with the requirements of section 9 of the *Divorce Act*.

Date

Signature of Lawyer