

Court of King's Bench

Joint Divorce with No Dependent Children



Resolution Services



Alberta
Government

This booklet has been prepared for you by the staff at Resolution Services. You can reach us at:

Calgary

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Calgary, AB T2P 5P7
Phone: 403-476-4744

CalgaryResolutionSupportCentre@just.gov.ab.ca

Edmonton

John E. Brownlee Building
Room 8124 - 8th Floor,
10365 - 97 Street NW
Edmonton, AB T5J 3W7
Phone: 780-415-0404

InfoServices.Edmonton@just.gov.ab.ca

Grande Prairie

Grande Prairie Court house
10260 - 99 Street
Grande Prairie, AB T8V 2H4
Phone: 780-833-4234

GrandePrairieLInc@just.gov.ab.ca

Lethbridge

Lethbridge Court House
320 - 4 Street South
Lethbridge, AB T1J 1Z8
Phone: 403-388-3101

RS.Lethbridge@just.gov.ab.ca

Medicine Hat

Medicine Hat Law Courts
460 - 1 Street SE
Medicine Hat, AB T1A 0A8
Phone: 403-529-8715

ResolutionServices.SouthernAlberta@just.gov.ab.ca

Red Deer

Red Deer Justice Centre
Main Floor, 4810 - 48 Avenue
Red Deer, AB T4N 5L6
Phone: 403-754-3182

RDDRIInfoService@just.gov.ab.ca

Outside these centres, contact us toll free 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 handwritten 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 Check sheet on the next page of these instructions for a handy summary of the forms and photocopies you will need.

**Do not use correction tape/white out on your court documents.
You may cross out and initial the changes.**

DIVORCE CHECKSHEET

- ☐ JOINT STATEMENT OF CLAIM FOR DIVORCE ORIGINAL
- ☐ JOINT REQUEST FOR DIVORCE ORIGINAL
- ☐ JOINT AFFIDAVIT OF APPLICANTS FOR DIVORCE ORIGINAL
- ☐ DIVORCE JUDGMENT AND COROLLARY RELIEF ORDER ORIGINAL

- **Divorce Judgment MUST BY TYPED.** Handwritten corrections, edits, or changes are not acceptable.

- Link: <https://www.albertacourts.ca/kb/home/notice-to-the-profession-public---handwritten-divorce-judgments>

- ☐ TWO STAMPED, SELF-ADDRESSED ENVELOPES

- one envelope addressed to Spouse 1 and one envelope addressed to Spouse 2.

- **If you have provided yours and the defendant's email address on the "Checklist for Filing Desk Divorce Package," a self-addressed envelope is not required.**

Where can I download the form?

<https://www.albertacourts.ca/kb/areas-of-law/family/divorce-forms>

JOINT DIVORCE – WITHOUT CHILDREN

COMPLETING THE JOINT STATEMENT OF CLAIM FOR DIVORCE

Court File number

Leave this blank for now. When you file the Joint Statement of Claim for Divorce, the clerk will give you a court file 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 taken the husband's last name, you can use her married last name. The format in writing the name is: First Name, Last Name and other given name(s).

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 **OR** Jane Amanda Fraser also known as 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, daytime phone numbers, and email addresses.

#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 can file the Joint Statement of Claim for Divorce. If you have not, you must wait. Choose either Spouse 1 or Spouse 2 here.

#3 Grounds

Do not write anything here.

#4 Reconciliation

Do not write anything 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 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 dependent 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". **Do not write N/A or not applicable.**

#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 Alberta Court of Justice on March 15, 2024). If you have not been to court, say "none". **Do not write N/A or not applicable.**

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 Alberta Court of Justice on March 5, 2024, between John Edward Kerry and Jane Amanda Fraser). If there are no proceedings, say "none". **Do not write N/A or not applicable.**



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*, even if there are no children of the marriage. 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*, even if there are no children of the marriage. 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 FOR DIVORCE

Print out the form.



Tip:

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

One or both of you can come to courthouse to file the Joint Statement of Claim for Divorce. Bring all your copies, plus \$310.00 (cash, debit, or credit cards) 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 file your Joint Statement of Claim for Divorce and return the filed (stamped) copy to you. Each of you must keep a filed copy for future reference.



Tip:

It is possible, so long as you have been separated for more than one year, to complete all 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 courthouse 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 Joint Statement
Claim for Divorce

Address for Service and Contact Information

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

Print out the form and sign it.

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 may want to use the Word version of Form FL-23, on the King's Bench website: <https://albertacourts.ca/kb/areas-of-law/family/family-law-forms/word-forms>.
- 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 Joint Statement of
Claim for Divorce

Address for Service and Contact Information

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

Affidavit of

Fill in both names.

Sworn on

Fill this in after you swear the Joint Affidavit of Applicants for Divorce.

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 for Divorce. 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 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 Joint Statement of Claim for Divorce was filed. This must match #2 of the Joint Statement of Claim for Divorce

#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 include 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 (e.g.: 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 want in the Divorce Judgment.

If you indicated in #2 that the Joint Statement of Claim for Divorce requires changes, you must check off 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 for Divorce to show the marriage date as August 23, 1997"). Print off the form.

Put the Joint Affidavit of Applicants for Divorce together as follows:

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

The documents attached to your Joint Affidavits of Applicant for Divorce will be marked as Exhibit(s) "A", "B", etc.

You must both sign the Joint Affidavit of Applicants for Divorce 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.

COMPLETING THE DIVORCE JUDGMENT – MUST BE TYPED



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 Joint Statement of
Claim for Divorce

Address for Service and Contact Information

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

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

Leave all 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 and country if marry outside of Canada).



Tip:

If there were mistakes in the Joint Statement of Claim for Divorce as set out in #2 of the Joint Affidavit of Applicants for Divorce, you must include clauses granting leave to amend the Joint Statement of Claim for Divorce. (e.g. "It is Ordered That leave is granted to amend paragraph 1(1)(a) of the Joint Statement of Claim for Divorce 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(es) each 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.

Do not remove this paragraph.

"THE SPOUSES ARE NOT FREE TO REMARRY UNTIL THIS JUDGMENT TAKES EFFECT, AT WHICH TIME EITHER SPOUSE MAY OBTAIN A CERTIFICATE OF DIVORCE FROM THIS COURT. IF AN APPEAL IS TAKEN FROM THIS JUDGMENT, IT MAY DELAY THIS JUDGMENT TAKING EFFECT."

FILE THE REQUEST FOR DIVORCE AND SUPPORTING DOCUMENTS

Bring to the courthouse:

- ☐ Completed "Checklist for Filing of Desk Divorce Packages" (can be found at the end of this instruction).
- ☐ Joint Request for Divorce
- ☐ Joint Affidavit of Applicants for Divorce
- ☐ Divorce Judgment ***MUST BY TYPED***
- ☐ TWO STAMPED, SELF-ADDRESSED ENVELOPES – one for you and one for the defendant. This is not required if you have provided yours and the defendant's email addresses on the Checklist for Filing Desk Divorce Package Form.

The clerks will return all the filed documents to you, except the Divorce Judgment. Each of you needs to keep a copy of the filed documents for future reference.

Your divorce package will then be reviewed. This may take more than a month.

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 bad if your documents are rejected, as this is a common occurrence within the application process.

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

Each of you will then receive the Divorce Judgment in the mail or by email.

ONLINE REQUEST FOR THE CERTIFICATE OF DIVORCE

Wait 31 days from when the Divorce Judgment was granted, then you may request the Certificate of Divorce using the following web-based form:

<https://albertacourts.ca/kb/areas-of-law/family/divorce-forms/certificate-of-divorce---request-form>.

Court File Number
Court Location
Names of Both Parties



These are all the same as
in the Joint Statement of
Claim for Divorce

Indicate why you need the Certificate of Divorce. Select the appropriate "Reason for Request."

Select the number of copies required.

Your Name, Address, Phone and Email

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

Click "Submit"



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
- If urgent, it may be faster to appear in-person at the Judicial Centre which the Divorce was granted.

Please keep all your filed Divorce documents for future reference.

YOU ARE FINISHED!



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 **MUST BY TYPED**

☐ 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 **MUST BY TYPED**

☐ 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) **MUST BY TYPED**

☐ Parenting Plan attached as Schedule to Divorce Judgment (if parties have submitted a Parenting Plan)

Mailing address for return of Divorce Judgment.

Spouse 1 **Email Address:** _____

Spouse 1 **Mailing Address:** _____

Spouse 2 **Email Address:** _____

Spouse 2 **Mailing Address:** _____

☐ We certify that the documents we are submitting are being filed as per the above outlined requirements.

Signature of Spouse 1

Signature of Spouse 2