

Court of King's Bench

Desk Divorce with No Dependent Children



Resolution Services



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
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CalgaryResolutionSupportCentre@just.gov.ab.ca

Edmonton

John E. Brownlee Building
Room 8124 - 8th Floor,
10365 - 97 Street NW
Edmonton, AB T5J 3W7
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InfoServices.Edmonton@just.gov.ab.ca

Grande Prairie

Grande Prairie Court House
10260 - 99 Street
Grande Prairie, AB T8V 2H4
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GrandePrairieLInc@just.gov.ab.ca

Lethbridge

Lethbridge Court House
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Lethbridge, AB T1J 1Z8
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RS.Lethbridge@just.gov.ab.ca

Medicine Hat

Medicine Hat Law Courts
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Medicine Hat, AB T1A 0A8
Phone: 403-529-8715

ResolutionServices.SouthernAlberta@just.gov.ab.ca

Red Deer

Red Deer Justice Centre
1st 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.

DESK DIVORCE – NO DEPENDENT CHILDREN

CONTENTS

BEFORE YOU BEGIN	1
DIVORCE CHECKSHEET	3
COMPLETING THE STATEMENT OF CLAIM	4
FILING THE STATEMENT OF CLAIM.....	8
SERVING THE STATEMENT OF CLAIM.....	9
COMPLETING THE AFFIDAVIT OF SERVICE	10
COMPLETING THE NOTING IN DEFAULT	12
COMPLETING THE REQUEST FOR DIVORCE	13
COMPLETING THE AFFIDAVIT OF APPLICANT.....	14
COMPLETING THE DIVORCE JUDGMENT.....	20
FILE THE REQUEST FOR DIVORCE AND SUPPORTING DOCUMENTS	22
ONLINE REQUEST FOR THE CERTIFICATE OF DIVORCE.....	23
CHECKLIST FOR FILING OF DESK DIVORCE PACKAGES.....	24

INSTRUCTIONS: UNCONTESTED 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 Resolution Services. If there is no Resolution Services office near you, ask the King's Bench clerks for information or forms.

<https://www.albertacourts.ca/kb/areas-of-law/family/divorce-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 filed Statement of Claim for Divorce. If you can't find them to serve them, 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 certificate of marriage that was issued by the Province after your marriage. If you have a handwritten marriage 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 certificate of marriage from any registry office. If you were married in another province, search "certificate of marriage" on the government home page for that province.

***Tip:***

Most people do not receive a certificate of marriage 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.

***Tips:***

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.

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. If you make an error, you may cross out and initial the changes.

DIVORCE CHECKSHEET

FIRST TRIP TO THE COURT HOUSE

- ☐ STATEMENT OF CLAIM FOR DIVORCE ORIGINAL
(\$310.00 filing fee)

SECOND TRIP TO THE COURT HOUSE

- ☐ AFFIDAVIT OF SERVICE ORIGINAL

- ☐ NOTING IN DEFAULT ORIGINAL

- ☐ REQUEST FOR DIVORCE ORIGINAL

- ☐ AFFIDAVIT OF APPLICANT ORIGINAL

- ☐ DIVORCE JUDGMENT AND COROLLARY RELIEF ORDER ORIGINAL

- **Divorce Judgment - *MUST BE 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 YOU and one envelope addressed to the DEFENDANT.
- **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>

UNCONTESTED DIVORCE – WITHOUT DEPENDENT CHILDREN

COMPLETING THE STATEMENT OF CLAIM FOR DIVORCE

Court File number

Leave this blank for now. When you file the 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 (e.g.: Calgary, Edmonton, Medicine Hat, etc.).

Plaintiff and Defendant

You are the Plaintiff. Your spouse is the Defendant

Look at your certificate of marriage. Use the names exactly as they are on the certificate of marriage 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 certificate of marriage 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

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 for Divorce, 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, daytime phone number, and email address.

#1: The Parties

Make sure the date and place of the marriage are the same as on your certificate of marriage.

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

You and/or your spouse **MUST** have lived in Alberta for one full year before you file the Statement of Claim for Divorce. 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 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 only, use paragraph 5(1) only. If you are using grounds of adultery or cruelty, include both paragraphs 5(1) and 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) 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

Choose one of the three options and fill in the reasons where applicable.

#10: Remedy Sought

This is a summary of what you are asking for. Check off all the things you are requesting and make sure to include "divorce judgment".

Statement of Plaintiff

This statement outlines your duties under sections 7.1 to 7.5 of the *Divorce Act*, even if there are no children of marriage. You must certify that you will comply with these duties prior to filing your Statement of Claim for Divorce.

Statement of Lawyer

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

FILING THE STATEMENT OF CLAIM

Print out the form.



Tip:

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

Bring all your copies, plus \$310.00 (cash, debit, or credit cards) 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 Statement of Claim for Divorce and return the filed (stamped) copy to you. You will need to make a copy to personally serve the Defendant. **The service must be done by a third party (not by the plaintiff).**

SERVING THE STATEMENT OF CLAIM

The Statement of Claim for Divorce must be personally served (i.e. handed to the Defendant) by someone over the age of 18. **You cannot serve the Defendant yourself.**

If it is difficult or impossible to serve the Defendant personally, you can ask the court for an Order for Substitutional Service. Ask the staff at Resolution Services for the forms and instructions to apply for this kind of order.

If the Defendant lives outside Canada, you must ask the court for an Order allowing you to serve them outside Canada. Ask the staff at Resolution Services 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 for Divorce.
- A photograph of the Defendant. Put an "X" on the photo to identify the Defendant if there are more than one person in the photo.
- 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 one filed copy of the Statement of Claim for Divorce 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 for Divorce 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

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 for
Divorce

Sworn / Affirmed by

Fill in the name of the person who served.

Sworn / Affirmed on

Fill in the date that the Affidavit of Service is sworn/affirmed.

Address for Service and Contact Information

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

Introductory paragraph of Affidavit

Fill in the name and city/town of residence of the person who served the Statement of Claim for Divorce.

#1: Fill in the date that the Statement of Claim for Divorce was served, the
Defendant's name, the date the Statement of Claim for Divorce was filed,
and the
address where the documents were served.

#2: Fill in the name of the Defendant. A photograph of the Defendant will be attached as Exhibit "A".

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

- The Affidavit of Service
- Taped the photograph onto a plain piece of paper. The photograph is marked as Exhibit "A".

The Clerks and Resolution Services 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

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.



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 they have not responded within the time period, you can go ahead with the other court forms.
- If they do respond by filing a Statement of Defence or Demand for Notice, you can still go ahead with the other court forms, but you will have to have the Defendant sign their consent on the Divorce Judgment. If they are not willing to consent, you should talk to a lawyer.
- If the Affidavit of Service is sworn outside of Alberta, it ***must be sworn by a Notary Public or lawyer.***

COMPLETING THE NOTING IN DEFAULT

Wait for the number of days set out above to allow the Defendant to respond to the divorce, if they want to. If they do not respond, then you can proceed with a Noting in Default.

**Court File Number
Judicial Centre
Plaintiff Defendant**



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

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, daytime phone number, and email address.

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".

COMPLETING THE REQUEST FOR DIVORCE

**Court File Number
Judicial Centre
Plaintiff
Defendant**



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

Address for Service and Contact Information

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

#1:

Fill in your name

#2:

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

If you were granted an order for substitutional service (allowing you to serve the Defendant without using personal service), you can fill out this paragraph explaining how the Statement of Claim was served. For example, you could say "The Statement of Claim for Divorce was served on my spouse by email on September 2, 2021, as indicated in the Affidavit of Substitutional Service, which has been filed."

#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 or email address.

#6:

Fill in the Defendant's lawyer's complete address. If the Defendant has no lawyer, fill in "none". **Do not write N/A or not applicable.**

#7:

Fill in YOUR lawyer's complete address. If you have no lawyer, fill in "none". **Do not write N/A or not applicable.**

COMPLETING THE AFFIDAVIT OF APPLICANT FOR DIVORCE



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
Plaintiff
Defendant



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

Address for Service and Contact Information

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

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 and city/town of residence.

1: Parties

- (a) Check off your role in the proceedings (usually "Plaintiff").
- (b) Check off the role of the other party (usually "Defendant"). Write the Defendant's address on the first line and email address on the next line.

#2: Claim for Divorce

Check off the document that you have filed and are relying on to complete the divorce (usually "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 check the appropriate box(es) to specify the changes that are required.

#3: Service

If the Statement of Claim was served personally on the Defendant, check the first box. Check the Affidavit of Service to see what exhibit letter was used for the Defendant's photograph and put that exhibit letter in the blank.

If you are proceeding by counterclaim or if you obtained an order allowing service other than through a process server, check the second or third box and fill in the details.

#4: 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 Checked Box (marriage in Canada)

- The certificate of marriage 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 certificate of marriage, please specify. Otherwise check "none".



Tips:

- If you were married in Canada, you **must** have a Certificate of marriage to complete this step.
- You must attach the original Certificate of marriage (as you received/purchased from the provincial government office), not a photocopy.

Second Checked Box (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-23 form to do this and may want to speak to a lawyer about this.
- If you have a certificate of marriage, 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-23 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 certificate of marriage 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 certificate of marriage as Exhibit "B".

#5: Residence

Choose either you or your spouse 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.

#6: 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!).

Second box – adultery. In most cases, the Defendant must be willing to sign an Affidavit admitting adultery. If they are not willing to admit, please provide explanation in "other".

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.

#7 – 9: Bars to Divorce

If your grounds are one year separation, leave the boxes in #8 and #9 blank.

If your grounds are adultery or cruelty, check off all the boxes in #8 and #9.



Tips:

- Read the bars to divorce in #7 - 9 carefully to ensure that they are true. If they are not true for you, then you should talk to a lawyer before going any further.
- #7 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.
- #8 talks about encouraging your spouse to commit adultery or cruelty.
- #9 talks about forgiving your spouse for committing adultery or cruelty.

#10: Reconciliation

Read the statement and ensure that it is true for you.

#11: 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.

#12: Protection Orders, Child Protection Orders or Criminal Proceedings

12(a) List the details of any current criminal charges against you, the details of any conditions you are required to follow in relation to criminal proceedings, and any criminal charges or conditions against your spouse.

12(b) List the details of any current involvement of you or your spouse in the child protection system.

12(c) List the details of any protection orders (eg: 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.

#13 Children

Check off the box that says there are no children of the marriage. If you are using the PDF form, this may delete #14 - 17 and re-number the remaining paragraphs of the Affidavit.

#18 (#14) Spousal Support

If you and your spouse do not have a written agreement for support, check off the first box. Select the appropriate check box for your situation. If you are claiming or proposing to pay a specific amount of support (check box 3 or 4), specify the amount, whether that amount is a lump sum or a monthly amount, and the reasons for why that amount is to be paid.

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.

#19 (#15) Relief Requested

Check off the items that you want in the Divorce Judgment. If you request permission to amend the Statement of Claim in #2, you must check off the fifth box.

Print off the form.

Put the Affidavit of Applicant together as follows:

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

The certificate of marriage (and translation) will be marked as Exhibits.

Sign your Affidavit in front of a Commissioner for Oaths. The staff at Resolution Services can act as Commissioner for Oaths for you.

COMPLETING THE DIVORCE JUDGMENT



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 website: <https://albertacourts.ca/kb/areas-of-law/family/family-law-forms/word-forms>.
- If you are including a Corollary Relief Order for Spousal Support in your Divorce Judgment, then refer to the "Desk Divorce with Dependent Children" instruction booklet for information on how to complete your Divorce Judgment and Corollary Relief Order.

Court File Number
Judicial Centre
Plaintiff
Defendant



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

Address for Service and Contact Information

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

Date on which Judgment is granted
Location of Adjudication
Name of Judge who granted



Leave all these blank

Introductory paragraphs (also called the Preamble)

Fill in your name.

IT IS HEREBY ADJUDGED

Fill in the date of your marriage and the place (city, province, and country, if not Canada).



Tip:

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

If the Defendant was noted in default, then they do not have to sign, and their signature line can be removed.

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).
- ☐ Affidavit of Service
- ☐ Noting in Default
- ☐ Request for Divorce
- ☐ Affidavit of Applicant
- ☐ Divorce Judgment - ***MUST BE 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 to you. You need to keep 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 badly 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.

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

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 below:

<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 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!



Checklist for Filing of Desk Divorce Packages

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 BE 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 BE 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 BE TYPED**

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

Mailing address for return of Divorce Judgment.

Plaintiff **Email** Address: _____

Plaintiff **Mailing** Address: _____

Defendant **Email** Address: _____

Defendant **Mailing** Address: _____

☐ I certify that the documents I am submitting are being filed as per the above outlined requirements.

Signature of person submitting documents