
UNCONTESTED COPETITIONER DIVORCE APPLICATION

Both parties can use this kit to apply for a divorce together, if there are no other issues that are being contested.

To apply for a divorce in Saskatchewan, one of the two parties must have resided in Saskatchewan for at least one year, and you must not have any other divorce proceedings started in any other Canadian province.

If you have any questions, please feel free to contact:

Family Law Information Centre

1-888-218-2822 (extension 2)

svp@gov.sk.ca

*This self-help kit is not a substitute for professional legal advice. It does not address all possible situations nor does it cover all areas of applicable legislation. You use this kit entirely at your own risk. The legal process can be complicated and *it is recommended that you consult with a lawyer* before filing any documents and proceeding to court.

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INTRODUCTION

A divorce is the legal and formal ending of a marriage. You need to apply to a court to get a divorce. If there are no issues that need to be resolved by the parties, it is called an “uncontested divorce”. **You can use this kit to apply for uncontested divorces only.**

As a result of any separation, there may also be other issues that arise, such as custody and access, spousal or child support (maintenance payments), and division of family property. If you have reached an agreement on these issues, you will be able to use this kit to apply for your divorce. If these issues have not been resolved, and you wish to deal with them, you can either retain a lawyer to assist you, or contact the Family Law Information Centre at 1-888-218-2822 (ext. 2) for further information.

It is recommended that you both separately see lawyers before commencing any court proceedings or signing any agreements to be sure that you are fully informed about your rights and obligations.

The following instructions will help you use the forms in this kit. **Please read them carefully.**

PRELIMINARY REQUIREMENTS

Either spouse must have been a resident of Saskatchewan for at least **one year** before beginning the divorce application. You may not apply for divorce in Saskatchewan until one of you has been resident for at least one year.

There should be no other divorce proceedings pending in any other province in Canada. When the Local Registrar’s Office issues your Petition for Divorce, it must also confirm that no other divorce action exists anywhere else in Canada. To do this, it contacts the Central Divorce Registry in Ottawa and requests a **Clearance Certificate**. The registry keeps records of all divorces in Canada. A court will not grant a judgment for divorce unless it has received a Clearance Certificate. If another action exists, you cannot use this kit.

You must have **grounds** or reasons for asking the court to grant a divorce. The *Divorce Act* provides that a court may grant a divorce if marriage breakdown has been established for any one of the following reasons:

- Living separate and apart for more than one year; or
- Adultery; or
- Physical or mental cruelty.

To apply for a divorce based on separation, you must have lived separate and apart for at least one year before applying for the Judgment for Divorce. You may have the Petition for Divorce issued before you have lived separate and apart for the entire year, as long as you are living separate and apart when you issue the Petition. However, the Judgment for Divorce will not be granted before the year has passed.

For most people, it will take approximately four to six months to get their divorce certificate, following all the steps in this kit.

You may use this kit if you are applying for a divorce based on having lived separate and apart for one year. **If you base your divorce on adultery or cruelty, you should see a lawyer because these grounds are sometimes more difficult to prove. This kit is not designed to assist you in these circumstances.**

One spouse may apply to the court by themselves for a divorce. There is a separate kit available for this type of application.

In order to start your divorce action, you must first prove that you are legally married. You will need a **Marriage Certificate** or a **Certificate of Registration of Marriage** from Vital Statistics. You must file your marriage certificate with the court when you issue your Petition for Divorce. If your marriage was performed in Saskatchewan, the Certificate of Registration of Marriage can be obtained in Saskatchewan from:

eHealth Saskatchewan
1-800-667-7551
VitalStatistics@eHealthSask.ca
<http://www.ehealthsask.ca/>

Your original marriage certificate must be in either of Canada's official languages, English or French. If your marriage certificate is written in a different language, you must provide a translation of the document, together with an affidavit verifying the translation.

COMPLETING THE FORMS

All documents must be printed, typewritten or reproduced legibly on one side of good quality paper, 8.5 inches by 11 inches, with a margin of 1.25 inches on the left hand side. You may complete the forms provided.

At the top of the first page of each form, you will fill in the location of the judicial centre (i.e the city where you are filing the documents) and the names of the parties. When spouses apply together in a Joint Petition, they are called Co-Petitioners. The spouse that is listed as the first Co-Petitioner should remain the first Co-Petitioner throughout all of the documents. The spouse that is listed as the second Co-Petitioner should remain the second Co-Petitioner throughout all of the documents.

After you file your Petition with the court, you will get a file number that you will then use on all future court documents.

The staff in the Local Registrar's Office cannot complete the forms for you. These instructions and the form templates are designed to provide you with the information you need to complete the application on your own.

If you have any questions concerning the completion of the documents in the kit, please contact the Family Law Information Centre at 1-888-218-2822 (ext. 2) or at svp@gov.sk.ca.

STEP ONE: COMMENCING YOUR ACTION

COMPLETING THE PETITION FOR DIVORCE

A Petition starts a court action for almost all family law proceedings. In any situation where someone is seeking a divorce in Saskatchewan, you will first need to prepare a Petition.

All documents must be neat - typed or printed. Any deletions made on Court documents should be made with a ruler and initialed. If you are preparing the forms electronically, you may be able to delete the portions of the forms that do not apply. You should save the original documents before making such modifications.

Find the Petition in this kit at pages 15 to 21.

Complete the top of the first page of the Petition. Leave the court file number blank for now. When you file the Petition with the Court, they will give you a file number. When writing in the your names as the Co-Petitioners, make sure that you include your first and any middle names **exactly** as they appear on the **Marriage Certificate** or the **Certificate of Registration of Marriage**. If you now use different last names, you can list both names by including your current name in brackets after your previous name.

A) CLAIM

Paragraph 1: On the second page of the Petition, you must tell the court what relief you are asking for. A Petition can start court proceedings where a variety of different matters can be dealt with. **This kit allows you to apply only for the court to grant you a divorce.**

There is already an “X” in the box (a) beside “Divorce Act”, and in the box beside “Divorce” to show that this is the only judgment you are asking the court to make. This kit cannot be used to ask the court to resolve any issues surrounding custody, access, support or property division.

Note: If you are a foreign applicant married in Saskatchewan, unable to obtain a divorce in the country where you reside because your marriage is not recognized as valid, then under “Other” you will indicate that you are requesting a divorce for a marriage not recognized in foreign jurisdiction under the Civil Marriage Act.

PARTICULARS OF MARRIAGE BREAKDOWN

Paragraph 2: Select one of the three options, and stroke out the paragraphs that do not apply to your application. Most people will choose the first option. If you are unable to obtain a marriage certificate, you will need to complete an additional set of forms to obtain a court order to dispense with the production of the certificate.

Paragraph 3: This kit is for situations where you anticipate filing for the final divorce judgment after being separated for a period of at least one year. This ground for divorce is found in the Divorce Act at section 8(2)(a). You can find the Divorce Act online here:

<http://laws.justice.gc.ca/eng/acts/D-3.4/index.html>

Paragraph 4: This paragraph requires you to indicate your date of separation. This date can be an earlier date than the date that you stopped living under the same roof if both parties agree that the spousal relationship ended on an earlier date.

Paragraph 5: Complete by describing all the efforts that have been made to reconcile. If no efforts have been made to reconcile, you should say so.

Paragraph 6: Read this paragraph carefully. When you sign the Petition, you are confirming that this statement is true. You do not have to add anything to this statement.

B) COLLUSION, CONDONATION AND CONNIVANCE

Paragraph 7: When you sign the Petition, you are confirming that this statement is true. You do not have to add anything to this statement.

C) MEDIATION

Paragraph 8: Complete this paragraph by describing any mediation facilities used to resolve issues of support and/or custody. If you did not use mediation, please say so.

D) PARTICULARS OF PROPERTY CLAIM

Paragraphs 9 and 10: This kit is not designed to advance a claim for Property Division.

Please note that if you have not settled the division of any family property (assets and debts), your ability to do so may be affected by applying for a divorce. It is recommended that you obtain independent legal advice relating to property division prior to applying for a divorce.

PARTICULARS OF RELATIONSHIP

Paragraphs 11 and 12: Complete all of these paragraphs in full.

E) PARTICULARS OF PARTIES

Paragraphs 13 to 20: Complete all of these paragraphs in full.

F) RESIDENCE

Paragraphs 21 to 23: Complete all of these paragraphs in full. It is very important that you say how long you, or your spouse, have lived in Saskatchewan. One of you must have resided in Saskatchewan for at least one year.

G) CHILDREN

Paragraph 24 to 24L: Fill out these paragraphs to the best of your ability. This kit is not designed for you to request that the court decide any custody or child support issues. For most people completing this kit, they will not be making any of the claims that can be made in these sections, but will be summarizing the terms of any agreements that are in place.

IMPORTANT! *The Divorce Act* requires the Court to ensure that adequate arrangements have been made for the support of children. If you and your spouse have agreed to an amount of child support, the Court may not consider this amount to be adequate in the circumstances of your case. If so, the Court may refuse to grant the Divorce until satisfied that adequate arrangements have been made for child support. If you wish to determine the amount of child support that would normally be payable under the Federal Child Support Guidelines, you can find further information here: <http://www.justice.gc.ca/eng/fl-df/index.html>

H) SPOUSAL SUPPORT

Paragraph 25: This kit is not designed for you to request any spousal support issues to be decided.

I) PROCEEDINGS AND AGREEMENTS

Paragraph 26: If any legal proceedings were previously started with regard to the marriage, custody, access, support, maintenance or division of family property give details of the proceedings, including dates and location of the proceedings, whether any orders were made and whether any proceedings are still pending. If there are no other proceedings, write "none".

Paragraph 27: If you and your spouse have reached any agreements, complete this paragraph. Indicate which topics are covered by the agreement.

Paragraph 28: If there are any other agreements or court orders that relate to any children living with either party, you can list them here.

J) FINANCIAL INFORMATION

Paragraph 29: Select the option that applies to you. Most people will select the first option. If there are any children of the relationship residing with one parent, the other parent may be required to prepare a Financial Statement at a later date.

Paragraphs 30 and 31: Complete in full.

SIGNING THE PETITION

Make at least two photocopies of the completed Petition for Divorce and both sign all three copies. Be sure to fill in the name of the city or town where you signed the Petition and the date on which you signed it. You must also provide an address for service in Saskatchewan at the bottom of the Petition. If either of you move after filing your Petition, you should update your address with the Court of Queen's Bench.

A clerk at the Local Registrar's Office will issue your Petition if it is properly completed and you have all the required documents with you. The clerk will sign and seal your Petition below your signatures.

Additional Forms:

Pursuant to Rule 15-31, if there are children, co-petitioners are required to both file Financial Statement or an Agreement as to Child Support in Form 15-28B. If there are no children, then the parties must complete a Waiver of Financial and Property Statements in Form 15-28A.

A Waiver of Financial and Property Statements in Form 15-28A is included in this kit. If you need to obtain a template for a Financial Statement or an Agreement as to Child Support, please contact the Family Law Information Centre at 1-888-218-2822 (ext. 2).

STEP TWO: ISSUING THE PETITION

After you have completed and signed the Petition, take three copies to the Local Registrar's Office. The Local Registrar's Office is open to the public from 10:00 am to 4:00 pm, Monday to Friday.

REMEMBER to take your Marriage Certificate with you along with the \$200 fee for issuing the Petition. Payment for filing fees is accepted by cash only.

A clerk at the Local Registrar's Office will issue your Petition if it is properly completed and you have all the required documents with you. The clerk will sign and seal one copy of the Petition; this copy remains with the court. The original copy of the Petition and the original copy of each document you bring with you will be kept on the court file. The clerk will show you how to make the other copies of the Petition "true" copies. A court file number will be assigned to your case. The court file number assigned to your case must be written on the "true" copies of the Petition. It must also be written on all documents you prepare in the future on this matter.

If, pursuant to rule 15-31, you have also prepared and both signed a Waiver of Financial and Property Statement in form 15-28A, you will file this document along with your Petition.

Below are listed the locations for the Courts of Queen's Bench in Saskatchewan:

Battleford - 291-23rd Street West

Tel: (306) 446-7675

Estevan - 1016 – 4th Street

Tel: (306) 637-4527

Melfort - 409 Main Street

Tel: (306) 752-6265

Moose Jaw - 64 Ominica Street West

Tel: (306) 694-3602

Prince Albert - 1800 Central Avenue

Tel: (306) 953-3200

Regina - 2425 Victoria Avenue

Tel: (306) 787-5377

Saskatoon - 520 Spadina Crescent East

Tel: (306) 933-5174

Swift Current - 121 Lorne Street West

Tel: (306) 778-8400

Weyburn - 301 Prairie Avenue N.E.

Tel: (306) 848-2361

Yorkton - 29 Darlington Street East

Tel: (306) 786-151

STEP THREE: APPLYING FOR THE DIVORCE JUDGMENT

The Court will request the clearance certificate on your behalf. It will usually take 8 to 12 weeks for the Clearance Certificate to arrive.

Once the Central Divorce Registry in Ottawa has sent the **Clearance Certificate** to the Court, you can move ahead to the next step and apply for your divorce judgment. While you are waiting for the Clearance Certificate to arrive, you may work on the documents required to apply for judgment

You can find out more information about the Central Registry of Divorce Proceedings here:

<http://www.justice.gc.ca/eng/fl-df/divorce/crdp-bead.html>

REMEMBER that you cannot apply to the court for a divorce judgment until one year has passed since the date of your separation.

You will be completing four forms at this time:

- 1) Joint Application for Judgment (found at page 23 of this kit);
- 2) Two Affidavits of Co-Petitioner (found at page 25 and page 32 of this kit);
- 3) Draft judgment (found at page 39 of this kit);
- 4) Draft certificate (found at page 40 of this kit).

COMPLETING THE APPLICATION FOR JUDGMENT

Paragraph 1: Nothing needs to be added.

REMEMBER to write your initials beside any paragraph you strike out.

Paragraph 2: Check the items you are claiming in your Judgment. This kit can only be used to apply for a divorce. Therefore, that should be the only item that is checked off.

Paragraph 3: Check off all documents that are on the court file. For most people, this will be “Petition”, “Marriage Registration”, and “Central Registry Notification”. Some people will have filed a “Waiver of Financial and Property Statement”.

Paragraph 4: Nothing needs to be added here.

Paragraph 5: Check off each document that you have attached to either Affidavit of Co-Petitioner. For example, if you will be attaching a Separation Agreement or Interspousal Contract, you must check beside “Separation or financial or custody agreement”. Please review the note below. You may need to attach financial information or an additional document called an Agreement as to Child Support. If you are attaching any such documentation, please check off the appropriate box in this paragraph on the Application for Judgment.

Note: If there are any children under the age of 18, please note Queen's Bench Rule 15-28(3) dictates that in a divorce proceeding where there are children but no claim is made for child support, the parties shall provide either all income information of the parties required by the Federal Child Support Guidelines, or an agreement as to child support in Form 15-28B along with a copy of the most recent personal income tax return filed by the payor, and by the payee if there is to be shared or split custody.

If you need a copy of Form 15-28B, contact the Family Law Information Centre.

In most cases, the court will require you to have a written agreement outlining the support payments and you will also need to provide the income tax notice of assessment from one or both parties. Furthermore, you will either need to have the payments set in accordance with the Federal Child Support Guideline Tables, or you will need to explain why your agreed upon payments are appropriate in Paragraph 18 of one or both of the Affidavits of Co-petitioner.

Paragraph 6: Check off any other documents that you are filing with your application. For most people, this will be "Draft Judgment", "Draft Certificate" and "Addressed Envelopes". These items have been checked off for you.

Paragraph 7: Provide your addresses.

Sign and date the Application. You will only need one copy of the Application to file with the court.

COMPLETING THE AFFIDAVITS OF CO-PETITIONERS

Each co-petitioner is required to complete their own affidavit. Two identical Affidavits are contained in this package.

GENERAL

Paragraph 1: Nothing needs to be added to this.

Paragraph 2: Indicate whether any circumstances have changed since your Petition was filed.

Paragraph 3: Nothing needs to be added to this.

Paragraph 4: Nothing needs to be added to this.

Paragraph 5: Give the date when either spouse became ordinarily resident in Saskatchewan.

RECONCILIATION

Paragraph 6: You must complete 6(a) and/or (b) or (c). The judge must be satisfied that no possibility of reconciliation exists before they may grant a divorce.

Paragraph 7: Nothing needs to be added to this.

MARRIAGE BREAKDOWN

Paragraph 8: Check off the option that applies to you.

Paragraph 9: Indicate your date of separation.

COLLUSION, CONDONATION AND CONNIVANCE

Paragraph 10/11: Please read these items carefully. You must be able to swear to the truth of them.

CHILDREN

Paragraph 12: Select the option that applies to you and list any children in the care of either of you.

Paragraphs 13 to 18: If there are children of the marriage, you must complete these paragraphs. If there are no children, you can strike them out. For paragraph 18, you will need to attach the income tax notice of assessment for any party that is required to pay child support for any children under 18. There are instructions on page 12 of this kit that tell you how to attach exhibits.

REMEMBER: The Court is required by the *Divorce Act* to ensure that adequate arrangements have been made for the children of the marriage before granting a divorce judgment. If you have agreed to a level of child support that is different than the amounts found in the Federal Child Support Guideline Tables, you will need to explain why you feel the amount is appropriate in Paragraph 18 of one of the Affidavits of Co-Petitioner.

SPOUSAL SUPPORT

Paragraphs 19 and 20: This kit does not allow you to claim spousal support.

PROCEEDINGS AND AGREEMENTS

Paragraph 21: If there were any court orders with respect to any aspect of your separation, select the first option and attach a copy as an exhibit to this affidavit. If there are no such court orders, select the second option.

Paragraph 22: Set out the dates of all written or oral separation agreements, financial agreements or custody agreements between you and your spouse. Attach a copy of the written agreement(s) to the affidavit as an exhibit. If there are no written or oral agreements of any kind, select the second option.

Paragraph 23: If either of you have any other children in your care who are not of this marriage, select the option in this paragraph that applies to these children.

FINANCIAL INFORMATION

Paragraph 24: Complete in full to the best of your ability.

PROPERTY

Paragraph 25: This kit does not allow you to claim for property division.

JUDGMENT

Paragraph 26: Nothing needs to be added to this paragraph.

Paragraph 27: This kit does not allow you to claim any costs.

Note: You may have some documents attached to your affidavit as exhibits. To make a document an exhibit, it must have the following words written or stamped on it, and completed by the Commissioner for Oaths who takes your oath when you swear the affidavit:

The is Exhibit "A" to the affidavit of _____ sworn before me at
_____ in the Province of Saskatchewan, this _____ day of
_____.

A Commissioner for Oaths in and for the Province of Saskatchewan,
Being a Court Official.

If there is more than one exhibit to be attached to the affidavit, they should be marked as "A", "B", "C", "D", etc.

After you complete the Affidavit of Co-Petitioner, you will need to sign it in front of a Commissioner for Oaths who will ask you to swear or attest to the truth of the information you have provided in the affidavit. The Commissioner for Oaths will fill in the section to the left of the space for your signature.

Some of the staff at the Local Registrar's Office are Commissioners for Oaths and you may swear or affirm your completed affidavit before them. This service is free. Remember to bring photo ID for this service. Make sure that the Commissioner for Oaths signs all exhibits to your affidavit.

You will need one copy of each Affidavit of Co-Petitioner to file with the court.

COMPLETING THE JUDGMENT FOR DIVORCE

Complete the information at the top of the document, but then leave the spaces for the name of the judge and the date of the judgment empty.

In paragraph 1, fill in your name, your spouse's name and the date of your marriage. You will need at least three copies of the Judgment. A copy of the Judgment will be mailed to both parties in the envelopes you provided, once it is granted by the court.

COMPLETING THE CERTIFICATE OF DIVORCE

You file the Certificate of Divorce with the Application for Judgment but the Local Registrar does not sign it until 31 days after the date the Judgment is granted. The Certificate of Divorce will be mailed to you both in the envelopes you provided.

Fill in the court file number at the top of the Certificate, the location of the court house where you filed the application, the names of you and your spouse, and the date of your marriage.

REMEMBER: You may not remarry until the Judgment for Divorce takes effect 31 days after the day the Judgment was granted. The Local Registrar will mail you a Duplicate Certificate of Divorce. If you ever wish to remarry, you will need this Certificate. If you lose the duplicate original, you may obtain a "certified" copy of your Certificate of Divorce from the Local Registrar's Office for a fee.

You will need at least three copies of the Certificate of Divorce to file with the court.

ADDRESSED ENVELOPES

You must also file four envelopes, approximately 4 inches by 9 inches:

- two addressed to the first Co-Petitioner;
- two addressed to the second Co-Petitioner.

These are the envelopes which the Local Registrar's Office will use to send you the Divorce Judgment and the Certificate of Divorce.

SUMMARY

To summarize, here are the steps to obtain your Certificate of Divorce:

- You complete and file a Joint Petition at the Local Registrar's Office, together with an original marriage certificate and the filing fee of \$200.00, payable in cash. If there are no children involved, you will also file a Waiver of Financial or Property Statements.
- You wait for your Clearance Certificate to arrive (usually 8-12 weeks).
- You file a completed Joint Application for Judgment, two separate Affidavits of Co-Petitioner, draft Judgment and draft Certificate, at the Local Registrar's Office, together with the fee of \$95.00, payable in cash or by certified cheque.
- A judge reviews all the documents on the court file. If everything is in order, the judge will grant the Judgment for Divorce.
- The Local Registrar will add the judge's name and date on the Judgment and will send one copy to you and one copy to the Respondent in two of the four the envelopes you provided.
- Thirty-one days after the date the judge granted the Judgment for Divorce, the Local Registrar will complete the Certificate of Divorce as long as neither party has filed an appeal of the Judgment.
- The Certificate of Divorce will be sent to both parties by the Local Registrar in the remaining two envelopes you provided.

What if I have questions when I am using this kit?

For any questions, you can contact:

Family Law Information Centre
(306) 787-5837 or 1-888-218-2822
svp@gov.sk.ca

Room 323, 3085 Albert Street
Regina, SK S4S 0B1

The staff at the Family Law Information Centre cannot give you legal advice or appear in court for you. *Before you contact them, read this kit carefully from beginning to end.* Remember, neither they nor the court staff can fill out this kit for you.

Form 15-6

COURT FILE NUMBER DIV _____ of 20__

**COURT OF QUEEN'S BENCH FOR SASKATCHEWAN
(FAMILY LAW DIVISION)**

JUDICIAL CENTRE

CO-PETITIONERS

Clerk's Stamp

JOINT PETITION

TO THIS HONOURABLE COURT:

CLAIM

1 We ask this Honourable Court for the following remedy:

(a) ☒ *Divorce Act* (Canada)

☒ Divorce

(b) ☐ Other: _____

IN THE CIRCUMSTANCES set out below:

PARTICULARS OF MARRIAGE BREAKDOWN:

2 ☐ A certificate of the marriage or registration of the marriage has been filed with the Court.

or

☐ An undertaking to file the certificate of marriage or of registration of the marriage with the Court by has been filed with the Court.

or

☐ It is impossible or impractical to obtain a certificate of the marriage or of registration of the marriage and application has been made for an order dispensing with production of the certificate

3 There has been a breakdown of the marriage by reason of:
Section 8(2)(a) of the *Divorce Act* - separation

4 The facts on which our petition for divorce is based are:
We have lived separate and apart since on or about the _____ day of _____, _____, and at the commencement of this proceeding, continue to live separate and apart.

5 The following efforts to reconcile have been made:

6 It is no longer possible for us to reconcile or resume cohabitation with each other.

COLLUSION, CONDONATION AND CONNIVANCE:

7 We have truthfully set out the facts establishing the breakdown of our marriage and we have not entered into any agreement, understanding or arrangement to make up or hide evidence or to deceive the Court.

MEDIATION:

8 The mediation facilities utilized to negotiate matters pertaining to support or custody are as follows: _____

PARTICULARS OF PROPERTY CLAIM:

- 9 At the date of issue of this petition we owned or held an interest in real and personal property either separately or jointly.
- 10 We are not making a claim for a division of family property, as we are satisfied with how we have already divided our assets and debts.

PARTICULARS OF RELATIONSHIP:

- 11 We were married on (date) _____ at
(place) _____
- 12 We ceased to cohabit on or about (date) _____

PARTICULARS OF PARTIES:

- 13 First Co-Petitioner's surname at birth: _____
- 14 First Co-Petitioner's surname immediately before marriage: _____
- 15 First Co-Petitioner's marital status at time of marriage: (*never married, divorced or widowed*) _____
- 16 The First Co-Petitioner was born: (date) _____
- 17 Second Co-Petitioner's surname at birth: _____
- 18 Second Co-Petitioner's surname immediately before marriage: _____
- 19 Second Co-Petitioner's marital status time of marriage: (*never married, divorced or widowed*) _____
- 20 The Second Co-Petitioner was born: (date) _____

RESIDENCE:

- 21 The First Co-Petitioner's address is: _____
- 22 The Second Co-Petitioner's address is: _____
- 23 The First Co-Petitioner has been ordinarily resident in Saskatchewan since: (date) _____
The Second Co-Petitioner has been ordinarily resident in Saskatchewan since: (date) _____

CHILDREN:

- 24 ☐ There are no children of this marriage who are in the custody or care of either of us.

Or

- ☐ The names, dates of birth and place of residence of all children of this marriage who are in the custody or care of either of us are:

<u>Names of Children</u>	<u>Dates of Birth</u>	<u>Living With...</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

- 24A** We are claiming no remedy with respect to any children, because:
- ☐ Custody, access and child support issues have been resolved.
- ☐ Other: _____
- 24B** The particulars of the current custody and access arrangements of the children are as follows: _____
- which is satisfactory for the following reasons: _____
- 24C** We are not claim making any claim for custody.
- 24D** We are not making any claim for access.
- 24E** The current arrangements for custody and access are in the best interest of the children for the following reasons:
- _____
- 24F** The following changes of circumstances of myself or the respondent are expected to affect the children, their custody and access, in the future:
- _____
- 24G** The nature of the First Co-Petitioner's relationship to and interest in the children is as follows:
- _____
- 24H** The nature of the Second Co-Petitioner's relationship to and interest in the children is as follows:
- _____
- 24I** Other than the respondent and myself, the following persons may have an interest in the custody of or access to, or may have an obligation to support, the children: (*State name, address and relationship to children*)
- _____
- 24J** The existing financial arrangements for the support of the children are as follows:
- _____
- _____
- 24K** We propose that the financial arrangements for the support of the children remain as they are currently established.

24L (If the amount is different than the amount under the Child Support Guidelines.) The current child support in an amount different from the table amount determined under the Federal Child Support Guidelines due to:

- | | |
|--|--|
| <input type="checkbox"/> Child 18 or over | <input type="checkbox"/> Payor in place of parent |
| <input type="checkbox"/> Income over \$150,000 | <input type="checkbox"/> Undue hardship |
| <input type="checkbox"/> Split custody | <input type="checkbox"/> Special or extraordinary expenses |
| <input type="checkbox"/> Shared custody | <input type="checkbox"/> Provisions in existing agreement |

The facts to substantiate the existing terms of child support are as follows:

SPOUSAL SUPPORT:

25 We are not making a claim for spousal support.

PROCEEDINGS AND AGREEMENTS:

26 The particulars and status of all other legal proceedings instituted between ourselves are:

27 The dates of any written or oral separation or financial or custody agreements between ourselves are:

The agreement pertains to:

- | | |
|--|---|
| <input type="checkbox"/> custody of the children | <input type="checkbox"/> spousal support |
| <input type="checkbox"/> access to the children | <input type="checkbox"/> division of property |
| <input type="checkbox"/> child support | <input type="checkbox"/> other (specify) |

28 The particulars of any other orders or agreements relating to any child from previous relationships in the custody or care of either of us are:

FINANCIAL INFORMATION:

29 ☒ Our Financial Statements in Form 15-26A are NOT filed in this proceeding.
☐ Our Financial Statements in Form 15-26A are filed in this proceeding.

30 (a) The First Co-Petitioner's occupation is: _____
(b) The First Co-Petitioner's place of employment is: _____
(c) The First Co-Petitioner's current annual income from all sources is estimated to be \$ _____

31 (a) The Second Co-Petitioner's occupation is: _____
(b) The Second Co-Petitioner's place of employment is: _____
(c) The Second Co-Petitioner's current annual income from all sources is estimated to be \$ _____

JOINT PETITION:

32 We state that we are presenting this joint petition for divorce with full knowledge that:

- (a) each of us is entitled to obtain legal advice independently of the other;
- (b) each of us is entitled to be separately represented by a lawyer of our own choice; and
- (c) neither of us can legally be forced or required by the other to seek a divorce or to sign this petition for divorce.

DATED at _____, Saskatchewan, the ____ day of _____, 201__.

(signature of First Co-Petitioner)

DATED at _____, Saskatchewan, the ____ day of _____, 201__.

(signature of Second Co-Petitioner)

NEITHER SPOUSE IS FREE TO REMARRY until a judgment of divorce takes effect

This Petition is issued at _____, Saskatchewan, the ____ day of _____,
, _____

Legal Seal

(Local)
Registrar

CONTACT INFORMATION AND ADDRESS FOR SERVICE

Address for service and contact information of First Co-Petitioner

Name of party: _____

Address for service:
(set out the street address) _____

Telephone number: _____

Fax number *(if any)*: _____

E-mail address *(if any)*: _____

Address for service and contact information of Second Co-Petitioner

Name of party: _____

Address for service:
(set out the street address) _____

Telephone number: _____

Fax number *(if any)*: _____

E-mail address *(if any)*: _____

Form 15-28A
(Subrule 15-28(1))

COURT FILE NUMBER DIV _____ of 20__

COURT OF QUEEN'S BENCH FOR SASKATCHEWAN
(FAMILY LAW DIVISION)

JUDICIAL CENTRE _____

CO-PETITIONERS _____

Clerk's Stamp

WAIVER OF FINANCIAL AND PROPERTY STATEMENT

- 1** The parties have agreed on the remedy to be granted in this proceeding.
- 2** The parties waive Financial Statements with respect to any claim for spousal support.
- 3** The parties waive Property Statements with respect to property claims.

DATED at _____, Saskatchewan, the ____ day of _____, 201__ .

(signature of First Co-Petitioner)

DATED at _____, Saskatchewan, the ____ day of _____, 201__ .

(signature of Second Co-Petitioner)

Form 15-23B

COURT FILE NUMBER DIV _____ of 20__

COURT OF QUEEN'S BENCH FOR SASKATCHEWAN
(FAMILY LAW DIVISION)

JUDICIAL CENTRE _____

CO-PETITIONERS _____

Clerk's Stamp

JOINT APPLICATION FOR JUDGMENT

TO THE LOCAL REGISTRAR AT _____
(City)

- 1 The Co-Petitioners request that this proceeding be set down for determination as an
uncontested proceeding to be heard pursuant to rule 15-23 on the basis of affidavit
evidence.
- 2 The Co-petitioners claim the following remedy:
- ☒ Divorce
- ☐ Other (*specify*) _____
- 3 The following pleadings, proceedings and documents are on file:
- ☒ Petition
- ☒ Marriage registration, *or* _____ Other
- ☒ Central Registry notification (Clearance Certificate)
- ☐ Other (*specify*) _____
- ☐ Other (*specify*) _____
- 4 The Co-Petitioners' affidavits required by Subrule 15-23(5) and rule 15-41 accompany
this application.
- 5 Exhibited to the affidavits are the following documents:
- ☐ Agreement as to Child Support
- ☐ Income information ☐ petitioner ☐ respondent
- ☐ Separation or financial or custody agreement
- ☐ Other (*specify*) _____

6 The following documents also accompany this application:

☒ Draft judgment

☒ Draft certificate

☒ Addressed envelopes 2 to 1st Co-Petitioner 2 to 2nd Co-Petitioner

☐ Other (*specify*) _____

7 The First Co-Petitioner's address is:

The Second Co-Petitioner's address is:

DATED at _____, Saskatchewan, the ____ day of _____, 201__.

(signature of First Co-Petitioner)

DATED at _____, Saskatchewan, the ____ day of _____, 201__.

(signature of Second Co-Petitioner)

Form 15-23C

COURT FILE NUMBER DIV _____ of 20__

COURT OF QUEEN'S BENCH FOR SASKATCHEWAN
(FAMILY LAW DIVISION)

JUDICIAL CENTRE _____

CO-PETITIONERS _____

Clerk's Stamp

AFFIDAVIT OF CO-PETITIONER

I, _____ of _____, in
the Province of Saskatchewan, Make Oath and Say/Affirm as follows:

GENERAL

1 I am a Co-Petitioner in this proceeding and I have personal knowledge of the matters and facts deposed to in this affidavit, except where stated to be on information learned from someone else and where that is stated, I believe the information to be true.

2 All of the facts and information contained in the Petition continue to remain true and accurate, except for the following: *(note here corrections or subsequent changes):*

3 I have not filed a Financial Statement.

4 I have not filed a Property Statement.

- 5 ☐ I have been ordinarily resident in Saskatchewan since the ____ day of _____, _____, which is a period of at least one year immediately preceding the date of issue of the petition in this proceeding.
- or -
- ☐ The other Co-petitioner has been ordinarily resident in Saskatchewan since the ____ day of _____, _____, which is a period of at least one year immediately preceding the date of issue of the petition in this proceeding.

RECONCILIATION

6 The following efforts to reconcile have been made:

- ☐ We resumed cohabitation on or about the ____ day of _____, _____, for the purpose of achieving a reconciliation, and continued cohabitation for that purpose until on or about the ____ day of _____, _____, but a reconciliation was not achieved;

And/or

- ☐ We consulted several individuals and agencies for counselling for the purpose of rehabilitating our marriage, including the following:
- _____
- but a reconciliation was not achieved;

Or

- ☐ No efforts to reconcile have been made.

7 I do not wish to reconcile or to resume cohabitation.

MARRIAGE BREAKDOWN

- 8 ☐ We have previously filed a Certificate of Marriage or Certificate of Registration of Marriage.
- ☐ It is impossible or impractical to obtain a certificate of marriage or of registration of the marriage. The particulars of the marriage are: *(state sufficient particulars to prove the marriage)*
- _____

9 There has been a breakdown of my marriage by reason of the fact that:

We separated on or about the ____ day of _____, _____, and have lived separate and apart since that date, which is a period in excess of one year.

COLLUSION, CONDONATION AND CONNIVANCE

10 I have truthfully set out the facts establishing the breakdown of my marriage and I have not entered into any agreement, understanding or arrangement to makeup or hide evidence or to deceive the court.

11 I have not encouraged my spouse to act in the manner that I have outlined, nor to commit or continue the complained of acts. I am unable to forgive my spouse and resume cohabitation as a result of his/her acts or conduct toward me.

CHILDREN

12 ☐ There are no children who are in the custody or care of either of us.

Or

☐ The names, dates of birth and place of residence of all children who are in the custody or care of either of us are:

Child's name	Birth date	Now living with

13 No remedy is being claimed in respect of the children.

14 The present and proposed arrangements with respect to custody and access of any or all children are as follows: *(If this is a joint or shared parenting arrangement, specify the particulars of the residency of the children.)*

- 15 The proposed arrangements concerning the custody and access of the children is in the best interests of the children because:

- 16 We agree to the amount of support for the following children:

Name

Birthdate

<hr/>	<hr/>
<hr/>	<hr/>
<hr/>	<hr/>
<hr/>	<hr/>

in the amount \$ _____ per month to commence _____

- 17 The condition, means, needs and other circumstances of the children are as follows: *(Include any special conditions of a child and any special needs as well as general requirements)*

18 *(In a divorce proceeding where there are children but no claim is made for child support)*

The arrangements that have been made for the support of any children are as follows:

☐ My income information required by the Federal Child Support Guidelines is attached as exhibit “__”,

☐ The income information of the other Co-Petitioner as required by the Federal Child Support Guidelines is attached as exhibit “__”.

SPOUSAL SUPPORT

19 No claim is being made for spousal support.

20 My conditions, means, needs and other circumstances are as follows:

N/A

PROCEEDINGS AND AGREEMENTS

21 ☐ A previous court order with reference to the marriage, cohabitation, custody, support, *or* division of property, was granted the ____ day of _____, _____, a copy of which is attached as exhibit “__”.

or

☐ No other legal proceedings have been instituted between ourselves with reference to the marriage, cohabitation, custody, support, maintenance or division of property.

- 22 ☐ The dates of any written or oral separation or financial or custody agreements between us are:

The agreement pertains to:

- | | |
|--|---|
| <input type="checkbox"/> custody of the children | <input type="checkbox"/> spousal support |
| <input type="checkbox"/> access to the children | <input type="checkbox"/> division of property |
| <input type="checkbox"/> child support | <input type="checkbox"/> other (<i>specify</i>) |

A copy of the agreement(s) is attached as exhibit "___". (*Attach agreement*)

Or

- ☐ There have been no written or oral separation or financial or custody agreements between ourselves.

- 23 ☐ There are no orders or agreements relating to any other children who are in the custody or care of either of us.

Or

- ☐ Copies of other orders or agreements relating to any children who are in the custody or care of either of us are attached as exhibit "___".

FINANCIAL INFORMATION

- 24 (a) My occupation is: _____
 (b) My place of employment is: _____
 (c) My current annual income from all sources is estimated to be \$ _____

PROPERTY

- 25 I am satisfied with the current division of property.

JUDGMENT

- 26 I claim the following relief:
 Divorce

27 I am not making a claim for Costs.

SWORN (OR AFFIRMED) BEFORE ME
at, _____ Saskatchewan,
this _____ day of _____,
201_____

Commissioner for Oaths
for Saskatchewan



(signature)

(MUST BE WITNESSED BY
COMMISSIONER FOR OATHS)

THIS AFFIDAVIT IS FILED ON BEHALF OF THE CO-PETITIONER

CONTACT INFORMATION AND ADDRESS FOR SERVICE

Address for service and contact information of party filing this document:

Name of party: _____

Address for service: _____
(set out the street address)

Telephone number: _____

Fax number (if any): _____

E-mail address (if any): _____

Form 15-23C

COURT FILE NUMBER DIV _____ of 20__

COURT OF QUEEN'S BENCH FOR SASKATCHEWAN
(FAMILY LAW DIVISION)

JUDICIAL CENTRE _____

CO-PETITIONERS _____

Clerk's Stamp

AFFIDAVIT OF CO-PETITIONER

I, _____ of _____, in
the Province of Saskatchewan, Make Oath and Say/Affirm as follows:

GENERAL

1 I am a Co-Petitioner in this proceeding and I have personal knowledge of the matters and facts deposed to in this affidavit, except where stated to be on information learned from someone else and where that is stated, I believe the information to be true.

2 All of the facts and information contained in the Petition continue to remain true and accurate, except for the following: *(note here corrections or subsequent changes):*

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4 I have not filed a Property Statement.

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- or -
- ☐ The other Co-petitioner has been ordinarily resident in Saskatchewan since the ____ day of _____, _____, which is a period of at least one year immediately preceding the date of issue of the petition in this proceeding.

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- 6 The following efforts to reconcile have been made:

- ☐ We resumed cohabitation on or about the ____ day of _____, _____, for the purpose of achieving a reconciliation, and continued cohabitation for that purpose until on or about the ____ day of _____, _____, but a reconciliation was not achieved;

And/or

- ☐ We consulted several individuals and agencies for counselling for the purpose of rehabilitating our marriage, including the following:

but a reconciliation was not achieved;

Or

- ☐ No efforts to reconcile have been made.

- 7 I do not wish to reconcile or to resume cohabitation.

MARRIAGE BREAKDOWN

- 8 ☐ We have previously filed a Certificate of Marriage or Certificate of Registration of Marriage.
- ☐ It is impossible or impractical to obtain a certificate of marriage or of registration of the marriage. The particulars of the marriage are: *(state sufficient particulars to prove the marriage)*
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9 There has been a breakdown of my marriage by reason of the fact that:

We separated on or about the ____ day of _____, _____, and have lived separate and apart since that date, which is a period in excess of one year.

COLLUSION, CONDONATION AND CONNIVANCE

10 I have truthfully set out the facts establishing the breakdown of my marriage and I have not entered into any agreement, understanding or arrangement to makeup or hide evidence or to deceive the court.

11 I have not encouraged my spouse to act in the manner that I have outlined, nor to commit or continue the complained of acts. I am unable to forgive my spouse and resume cohabitation as a result of his/her acts or conduct toward me.

CHILDREN

12 ☐ There are no children who are in the custody or care of either of us.

Or

☐ The names, dates of birth and place of residence of all children who are in the custody or care of either of us are:

Child's name	Birth date	Now living with

13 No remedy is being claimed in respect of the children.

14 The present and proposed arrangements with respect to custody and access of any or all children are as follows: *(If this is a joint or shared parenting arrangement, specify the particulars of the residency of the children.)*

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- 16 We agree to the amount of support for the following children:

<u>Name</u>	<u>Birthdate</u>
<hr/>	<hr/>
<hr/>	<hr/>
<hr/>	<hr/>
<hr/>	<hr/>

in the amount \$ _____ per month to commence _____

- 17 The condition, means, needs and other circumstances of the children are as follows: *(Include any special conditions of a child and any special needs as well as general requirements)*

18 *(In a divorce proceeding where there are children but no claim is made for child support)*

The arrangements that have been made for the support of any children are as follows:

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☐ The income information of the other Co-Petitioner as required by the Federal Child Support Guidelines is attached as exhibit “__”.

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20 My conditions, means, needs and other circumstances are as follows:

N/A

PROCEEDINGS AND AGREEMENTS

21 ☐ A previous court order with reference to the marriage, cohabitation, custody, support, *or* division of property, was granted the ____ day of _____, _____, a copy of which is attached as exhibit “__”.

or

☐ No other legal proceedings have been instituted between ourselves with reference to the marriage, cohabitation, custody, support, maintenance or division of property.

- 22 ☐ The dates of any written or oral separation or financial or custody agreements between us are:

The agreement pertains to:

- | | |
|--|---|
| <input type="checkbox"/> custody of the children | <input type="checkbox"/> spousal support |
| <input type="checkbox"/> access to the children | <input type="checkbox"/> division of property |
| <input type="checkbox"/> child support | <input type="checkbox"/> other (<i>specify</i>) |

A copy of the agreement(s) is attached as exhibit "___". (*Attach agreement*)

Or

- ☐ There have been no written or oral separation or financial or custody agreements between ourselves.

- 23 ☐ There are no orders or agreements relating to any other children who are in the custody or care of either of us.

Or

- ☐ Copies of other orders or agreements relating to any children who are in the custody or care of either of us are attached as exhibit "___".

FINANCIAL INFORMATION

- 24 (a) My occupation is: _____
 (b) My place of employment is: _____
 (c) My current annual income from all sources is estimated to be \$ _____

PROPERTY

- 25 I am satisfied with the current division of property.

JUDGMENT

- 26 I claim the following relief:
 Divorce

27 I am not making a claim for Costs.

SWORN (OR AFFIRMED) BEFORE ME

at, _____ Saskatchewan,

this _____ day of _____,

201_____

Commissioner for Oaths
for Saskatchewan



(signature)

(MUST BE WITNESSED BY
COMMISSIONER FOR OATHS)

THIS AFFIDAVIT IS FILED ON BEHALF OF THE CO-PETITIONER

CONTACT INFORMATION AND ADDRESS FOR SERVICE

Address for service and contact information of party filing this document:

Name of party: _____

Address for service: _____
(set out the street address)

Telephone number: _____

Fax number (if any): _____

E-mail address (if any): _____

Form 15-43

COURT FILE NUMBER DIV _____ of 20__

COURT OF QUEEN'S BENCH FOR SASKATCHEWAN
(FAMILY LAW DIVISION)

JUDICIAL CENTRE _____

CO-PETITIONERS _____

Clerk's Stamp

BEFORE THE HONOURABLE _____

(day and date of judgment)

JUDGMENT

This proceeding coming on before the Court this day at _____
in the absence of the parties and their lawyers, on proof of service being
established, and on considering the pleadings and the evidence presented:

- 1** THE COURT ORDERS THAT _____ and _____
who were married on the ____ day of _____, _____, are divorced
and, unless appealed, this judgment takes effect and the marriage is
dissolved on the 31st day after the date of this judgment.

ISSUED at the City of _____, in the Province of Saskatchewan, this ____ day
of _____, 201__.

(Local) Registrar

NOTICE

The spouses are not free to remarry until this judgment takes effect, at which
time any person may obtain a Certificate of Divorce from this Court. If an
appeal is taken from this judgment it may delay this judgment taking effect.

Form 15-44

DIV _____ of 20__

CANADA
PROVINCE OF SASKATCHEWAN
IN THE QUEEN'S BENCH
JUDICIAL CENTRE OF _____

CERTIFICATE OF DIVORCE

This is to certify that the marriage of _____ and _____
, which was solemnized on the ____ day of _____, _____, was dissolved by a
judgment of this Court, which became effective on the ____ day of _____,
_____ ,

DATED at _____, Saskatchewan, this the ____ day of _____
_____, _____ ,

Legal Seal

(Local)
Registrar