## Canada

## Province de Québec

## District *YOU CAN CHOOSE THE DISTRICT WHERE YOU LIVE, WHERE YOUR SPOUSE LIVES OR WHERE YOU BOTH LIVE*

## No. \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

## Superior Court

Family Division

*Your first name* *Your last name,* residing at *Number* *Street*, *City*, Province of Quebec *Postal Code*, judicial district of *Judicial district where you live*

Applicant

v.

*Spouse’s first name* *Spouse’s last name* residing at *Number* *Street*, *City*, Province of Quebec *Postal Code*, judicial district of *Judicial district where your spouse lives*

Defendant

Application for Divorce

# It is declared that:

## MATRIMONIAL AND FAMILY STATUS

1. The applicant was born on [date] at [place of birth] and is [age] years old. [He / She] is the child of [name of first parent] and [name of second parent], as appears from the copy of the act of birth numbered Exhibit P-1.
2. The defendant was born on [date] at [place of birth] and is [age] years old. [He / She] is the child of [name of first parent] and [name of second parent], as appears from the copy of an act of birth numbered Exhibit P-2.
3. The marriage of the parties was solemnized on [date] at [place of marriage], as appears from the copy of an act of marriage numbered Exhibit P-3.
4. At the time of the marriage, the applicant was [marital status – single, widowed, etc.] and the defendant was [marital status].
5. The matrimonial regime they adopted was [matrimonial regime], as appears from the original marriage contract numbered Exhibit P-4. The regime [has been changed / has not been changed]. [If the regime has been changed, explain **all** changes and include the supporting documents as exhibits.] [If you do not have a marriage contract, mention this.]

## CHILDREN OF THE MARRIAGE

1. The children of the marriage are:

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
|  | Family Name | Given Name | Age | Sex | Date of Birth |
| 1 |  |  |  | M/F | Month-day-year |
| 2 |  |  |  | M/F | Month-day-year |
| 3 |  |  |  | M/F | Month-day-year |
| 4 |  |  |  | M/F | Month-day-year |
| 5 |  |  |  | M/F | Month-day-year |

[If you did not have children during the marriage, mention this here.]

1. There is no court decision, case before a court or agreement with a director of youth protection involving the children.

[If this kind of decision, case or agreement exists, provide details and attach all relevant documents.]

1. The applicant is not subject to conditions under an order, undertaking or recognizance listed in the *Criminal Code* regarding the applicant’s spouse or children.

[If you are subject to conditions, provide details and attach all relevant documents.]

## RESIDENCE OF THE SPOUSES

1. Since [month, day, year], the applicant’s usual residence has been at [address].
2. Since [month, day, year], the defendant’s usual residence has been at [address].

## REASONS SUPPORTING THE APPLICATION FOR DIVORCE

1. There has been a breakdown of the marriage for these reason(s):

[Indicate the reasons. There can be more than one:

* You and your spouse were living apart when you filed your application for divorce and you will have been living apart for at least one year on the date the divorce will be granted.
* Since the celebration of the marriage, the defendant has committed adultery and you have not forgiven him or her.
* Since the celebration of the marriage, the defendant has treated you with physical or mental cruelty that makes living together intolerable, and you have not forgiven him or her.

## APPLICATION FOR A SAFEGUARD ORDER

1. Given the urgency of the situation, the applicant requests a safeguard order to [Indicate the issues you want settled and explain why the court must act quickly. Examples of issues include parenting time with children, support payments or use of the family home. Use a separate, numbered paragraph for each request.]
2. …
3. …

## APPLICATION FOR PROVISIONAL MEASURES

1. The applicant requests the following provisional measures while awaiting the final divorce judgment:
2. [List the issues you want the court to settle on a temporary basis and explain why. For example, parenting time with children, support payments or use of the family home. Use a separate, numbered paragraph for each request.]
3. …
4. …

**COROLLARY MEASURES**

1. If you and your spouse have agreed on certain corollary measures, mention them here and attach a copy of the agreement.
2. The applicant requests:
3. [Mention everything you want, for example: a period of parenting time with children, child support, spousal support, unequal division of the family patrimony, etc. Explain why you are asking for these things. Use a separate, numbered paragraph for each request.]
4. …
5. …
6. …

**ABSENCE OF OTHER PROCEEDINGS**

1. [There have been / have not been other court proceedings with respect to the marriage.] [If other proceedings have been taken, provide all details and file a certified copy of any court judgment or of a notice that the court proceedings have been abandoned.]
2. The parties have not cooperated, secretly or otherwise, for the purposes of obtaining a divorce. There has been no collusion between the parties.

**FOR THESE REASONS:**

[List a conclusion for each decision you want the court to make.]

**SAFEGUARD ORDER**

GRANT this safeguard order:

[For example: GRANT to the applicant parenting time with the minor children [insert their names and indicate the days or periods of parenting time requested].

SET the amount of child support in accordance with the child support determination rules.

ORDER the defendant to pay the applicant child support for the children [insert their names] in accordance with the *Act to facilitate the payment of support.*

ORDER the indexation of support payments on January 1st each year.

GRANT the applicant exclusive use of the family residence located at [insert address].

GRANT the applicant temporary possession and exclusive use of the movable property in the family residence at [insert address].

etc.]

**PROVISIONAL MEASURES**

ORDER these provisional measures:

[For example: GRANT to the applicant parenting time with the minor children [insert their names and indicate the days or periods of parenting time requested].

SET the amount of child support in accordance with the child support determination rules.

ORDER the defendant to pay the applicant child support for the children [insert their names] in accordance with the *Act to facilitate the payment of support.*

ORDER the indexation of support payments on January 1st each year;

etc.]

PRONOUNCE the divorce.

**COROLLARY MEASURES**

ORDER these corollary measures:

 [For example: DISSOLVE the matrimonial regime.

 DISSOLVE the family patrimony.

ORDER the equal division of the family patrimony.

RECOGNIZE the waiver of the division of earnings of the parties registered with Retraite Québec for the period of the marriage.

GRANT to the applicant parenting time with the minor children [insert their names and the days or periods of parenting time requested].

SET the amount of child support in accordance with the child support determination rules.

ORDER the defendant to pay the applicant child support for the children [insert their names] in accordance with the *Act to facilitate the payment of support.*

CONFIRM the agreement between the parties.

etc.]

Signed at [city], on [date]

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Applicant

**Certificate of Clerk**

I, the undersigned clerk for the district of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, certify that a divorce application has been received and filed in the court.

[Place and date]

 \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

## (IF YOU ARE APPLYING FOR A SAFEGUARD ORDER OR PROVISIONAL MEASURES)

**Notice of Presentation**

**TAKE NOTICE THAT** this application will be presented before a judge of the Superior Court in the district of [name of district], on [MONTH/DAY/YEAR] at [time], at the [name of courthouse] courthouse located at [address], room \_\_\_\_\_\_. If you want to contest the application, you must appear in court on this date.

**CONTESTING THE APPLICATION**

***If you are applying for child support and your ex-spouse lives in Quebec or outside Canada, include this paragraph:***

You must notify these documents to the applicant and file them in the court file at least five (5) days before the date in the first paragraph above:

* Child Support Determination Form (Schedule 1)
* your provincial or federal tax returns for [year] and the notice of assessment
* three (3) recent pay stubs
* any other document indicating your income for [year] (business income, self-employment income, etc.)

You must also file your Statement Required Under Article 444 of the *Code of Civil Procedure* at the court office.

***If you are applying for spousal support, include this paragraph:***

You must notify these documents to the applicant and enter them in the court record at least five (5) days before the date in the first paragraph above:

* Statement of Income and Expenditures and Balance Sheet (Form III)

You must also file your Statement Required Under Article 444 of the *Code of Civil Procedure* at the court office.

**FAILURE TO APPEAR**

If you do not appear on the scheduled date, a judgment might be made against you.

**PLEASE ACT ACCORDINGLY.**

[City], [date]

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Applicant’s signature

|  |
| --- |
| No. \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ |
| SUPERIOR COURTDISTRICT OF \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ |
| \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_Applicantv.\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_Defendant |
| Title: |
| Original(or Copy for \_\_\_\_\_\_\_\_\_\_\_\_) |
| Your contact information (first and last names, address, phone number, email address) |