

**Form 62.09**

20

No.

Supreme Court of Nova Scotia

Between: [complete the heading as required by Rule 82 - Administration of Civil Proceedings]

[name]

Petitioner

and

[name]

Respondent

**Petition for Divorce**

**To:** [name of respondent]

**Action has been started for divorce**

The petitioner started this action to apply for a divorce and to claim other relief described later in this notice.

The action was started by filing this notice with the court on the date certified by the prothonotary.

**Deadline for answer**

To defend the action, or to make your own claim in the proceeding, you or your counsel must file an answer with the court no more than the following number of days after the day this notice of action for divorce is delivered to you:

- 15 days if delivery is made in Nova Scotia
- 30 days if delivery is made elsewhere in Canada
- 45 days if delivery is made anywhere else.

**Judgment against you if you do not answer**

The court may grant a divorce order and an order for the other relief claimed, unless you file the answer before the deadline.

**No remarriage until after order and appeal period**

Except when allowed by a judge in special circumstances after undertakings not to appeal are filed, a married person is not free to remarry until after a divorce is granted and the times for appeals are over, or an appeal is started but the divorce is upheld and the time for any further appeal is over. The court provides a divorce certificate only at that time.

**Claims under the *Divorce Act***

The petitioner claims a divorce under section 8 of the *Divorce Act*, and the following relief under the following sections of the *Divorce Act*: [mark the applicable box, or remove inapplicable lines]

- custody (s. 16)
- access (s. 16)
- child support (s. 15.1)
- spousal support (s. 15.2)
- other: [describe]

**Claims under other legislation**

The petitioner claims under the following legislation for the following relief: [mark the applicable box, or remove inapplicable lines]

- Matrimonial Property Act* for the following:
  - exclusive possession of matrimonial home
  - division of property
  - other: [describe]
  
- Pension Benefits Act*, *Pension Benefits Division Act*, or other legislation to enable a division of pension, for a division of pension
  
- Change of Name Act* for a change of registered name
  
- Other: [describe]

**Grounds for divorce**

The parties have been living separately since [day, month, and year or month and year if less than two years/just the year if longer] and will have lived separately for no less than one year when this action is determined. [May add or substitute grounds of adultery or cruelty with details.]

**Reconciliation, improper conduct**

There is no possibility of reconciliation. Also, there has been no collusion, condonation, or connivance leading to this notice of petition for divorce.

**Details of the marriage**

*[The details of the marriage sought to be dissolved are shown on the attached marriage certificate./It is not convenient to attach a marriage certificate to this notice of action for divorce and the following are the details of the marriage:*

- *Date of marriage:*
- *Place of marriage:*
- *Surnames before marriage*  
*petitioner:*  
*respondent:*
- *Surnames on birth certificate*  
*petitioner:*  
*respondent:*
- *Marital status when married*  
*petitioner:*  
*respondent:*
- *Place and date of birth*  
*petitioner:*  
*respondent:* .]

**Jurisdiction**

The petitioner lives in [community] , and the respondent lives in [community] . [The petitioner/The respondent] has been ordinarily resident in Nova Scotia for at least one year before the day this notice is signed and, in particular [for life/since , ] .

**Children**

The following are the full names and dates of birth of the “children of the marriage” as defined in the *Divorce Act*:

Name	Date of Birth
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**Custody arrangements**

Present arrangements for custody are:

**Income and child support** [delete only if neither party is liable to pay child support]

The [*petitioner/respondent*] is liable to pay child support. [*The petitioner’s income is/The petitioner estimates the respondent’s income to be*] \$ . The amount of child support payable under the *Federal Child Support Guidelines* is \$ a month.

**Child support arrangements**

Present arrangements for child support are:

**Agreements**

Details of all agreements about separation, support, custody, and property are as follows:

**Other proceedings**

There are, and there have been, no other proceedings between the parties or affecting the children [./, *except* describe.]

### **Petitioner's financial and property statements**

The petitioner will file all of the following financial and property statements before the deadline for you to file an answer:

- statement of income [Check if there is to be a contested spousal support claim. Check if there is to be a child support claim against the petitioner or if the petitioner claims child support for more than the *Federal Child Support Guidelines* table amount.]
- statement of special or extraordinary expenses [Check if there is to be a claim for a contribution to a child's expenses in addition to the *Guidelines* table amount.]
- statement of expenses [Check if there is to be a contested spousal support claim. Check if there is to be a claim for child support different from the *Guideline* table amount plus special or extraordinary expenses.]
- statement of child's income and expenses [Check if the petitioner claims support for child over nineteen.]
- statement of property [Check if there is to be a contested claim for spousal support or property division.]
- other [Consult *Guidelines* about a claim that child support causes undue hardship. Consult Rules about a spousal support claim by a person who lives with a partner.]

The petitioner must also file all documents and statements required by the *Federal Child Support Guidelines* to be provided to the respondent.

### **Respondent's financial and property statements**

You are required to file the following financial and property statements before the deadline for you to file an answer, whether or not you intend to file an answer:

- statement of income, if there is a contested spousal support claim, a child support claim against you, or a child support claim by you that seeks more than the *Federal Child Support Guidelines* table amount
- statement of special or extraordinary expenses, if you claim a contribution to a child's expenses in addition to the *Guidelines* table amount

- statement of expenses, if there is a contested spousal support claim or a claim for child support different from the *Guidelines* table amount plus special or extraordinary expenses
- statement of a child's income and expenses, if you claim support for a child over nineteen
- statement of property, if there is a contested claim for division of property or for spousal support

You have further disclosure obligations on a claim that child support will cause undue hardship, a claim by you for spousal support if you live with a partner, and to file documents or statements required to be disclosed to the petitioner under the *Federal Child Support Guidelines*.

### **Filing and delivering documents**

Any documents you file with the court must be filed at the office of the prothonotary  
Street, , Nova Scotia (telephone # ).

When you file a document you must immediately deliver a copy of it to the other party, unless the document is part of an *ex parte* motion, the parties agree delivery is not required, or a judge orders it is not required.

### **Contact information**

The petitioner designates the following address:

Documents delivered to this address are considered received by the petitioner on delivery. Further contact information is available from the prothonotary.

### **Proposed place of trial**

The petitioner proposes that, if you file an answer, the trial will be held in ,  
Nova Scotia.

**Declaration**

I declare that the statements in this notice of petition for divorce are true to the best of my personal knowledge, or information given to me that I believe to be true.

**Signatures**

Signed \_\_\_\_\_, 20\_\_

\_\_\_\_\_  
Signature of petitioner  
Print name:

I, counsel for the petitioner, certify that I have complied with the requirements of section 9 of the *Divorce Act*.

\_\_\_\_\_  
Signature of counsel  
Print name:

**Prothonotary's Certificate**

I certify that this notice of petition for divorce was filed with the court on \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
Prothonotary

[Attach marriage certificate.]

[This petition must be served on the respondent by someone other than the petitioner.]

**Form 62.10**

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No.

Supreme Court of Nova Scotia

Between: [copy standard heading]

[name]

Petitioner

and

[name]

Respondent

**Answer**

**To:** [name of petitioner]

**Contested claims**

The claims made in the notice of petition for divorce are not contested, except as follows:

*[There are no claims in the petition that are contested and the respondent files this answer only to make a claim./State which claims are contested.]*

**Respondent's claims under *Divorce Act***

The respondent claims the following relief under the following sections of the *Divorce Act*:

[mark the applicable box, or remove inapplicable lines]

- divorce (s. 8)
- custody (s. 16)
- access (s. 16)
- child support (s. 15.1)
- spousal support (s. 15.2)
- other: [describe]

[Provide grounds if a divorce order is claimed by respondent.]

**Income and child support** [delete only if neither party is liable to pay child support]

The [petitioner/respondent] is liable to pay child support. [The respondent's annual income is/The respondent estimates the petitioner's annual income to be] \$ \_\_\_\_\_ a year. The amount of child support payable under the *Federal Child Support Guidelines* is \$ \_\_\_\_\_ a month.

**Respondent's claims under other legislation**

The respondent claims under the following legislation for the following relief: [mark the applicable box, or remove inapplicable lines]

- Matrimonial Property Act* for the following:
  - exclusive possession of matrimonial home
  - division of property
  - division of pension
  - other: [describe] \_\_\_\_\_ .
  
- Pension Benefits Act, Pension Benefits Division Act*, or other legislation, for a division of pension
  
- Change of Name Act* for a change of registered name
  
- Other: [describe] \_\_\_\_\_ .

**Corrections to facts stated in notice of petition**

The notice of petition for divorce correctly provides details about the children of the marriage [./except provide corrections.]

The notice also correctly provides details of all relevant agreements and related proceedings [./except provide corrections.]

The respondent wishes to correct other statements in the notice as follows [none./provide corrections].

## **Financial and property statements**

The respondent now files all required financial and property statements.

- statement of income [File if there is a spousal support claim and parties do not waive filing. File if there is a child support claim against the respondent or the respondent claims child support for more than the *Guideline* table amount.]
- statement of special or extraordinary expenses [File if respondent claims a contribution to child's expenses in addition to *Guideline* table amount.]
- statement of expenses [File if there is a spousal support claim and parties do not waive filing. File if there is a claim for child support above the *Guideline* table amount plus special or extraordinary expenses, or below the table.]
- statement of child's income and expenses [File if respondent claims support for child over nineteen.]
- statement of property [File if spousal support or property division is claimed and parties do not waive the filing.]
- other [Consult Rules and *Guidelines* about claim that child support causes undue hardship and spousal support claim by person who lives with partner.]

The respondent also files all documents and statements required by the *Federal Child Support Guidelines*.

**Declaration**

I declare that the statements in this answer are true to the best of my personal knowledge, or information given to me that I believe to be true.

**Signatures**

Signed \_\_\_\_\_, 20\_\_\_\_

\_\_\_\_\_  
Signature of respondent  
Print name:

[and]

\_\_\_\_\_  
Signature of counsel  
Counsel for the respondent  
Print name:

**Form 62.11**

20

No.

Supreme Court of Nova Scotia

Between: [copy standard heading]

[name]

Petitioner

and

[name)

Respondent

**Demand for Notice (Divorce Action)**

**To:** [name of petitioner]

**Notice is demanded**

The respondent demands notice of everything done in this proceeding, every written communication with a judge or the court, and every document filed.

**Contact information**

The respondent designates the following address:

Documents delivered to this address are considered received by the respondent on delivery.

Further contact information is available from the prothonotary.

**Signature**

Signed

, 20

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Signature of party

Print name:

[or]

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Signature of counsel

Counsel for the respondent

Print name:



- [*the other party's required statements and information/affidavit evidence showing that the other party fails to produce a required statement or information and showing production cannot reasonably be compelled*]
- an affidavit proving the respondent was notified of the proceeding;
- my financial statement dated \_\_\_\_\_, 20\_\_\_\_ [required if there is a "child of the marriage" in the meaning of the *Divorce Act* or a claim for spousal support]
- documents providing my income information as required under the *Federal Child Support Guidelines* [if there is a "child of the marriage" in the meaning of the *Divorce Act*]
- my statement of property dated \_\_\_\_\_, 20\_\_\_\_ [required if there is a claim for division of property]
- other required statements or documents [specify]

**Reason motion is *ex parte*** [delete if respondent is notified]

[*The respondent has not filed an answer although the deadline for doing so has expired./The petitioner and respondent settled all issues in this proceeding, and a written agreement is proved by my affidavit./The respondent withdrew the answer. The withdrawal is in writing and exhibited to my affidavit.*]

**Respondent being notified** [delete if *ex parte*]

The respondent is immediately being notified of this motion by delivery of a copy of it to the address designated in the respondent's [Demand for Notice/Answer/Designation of Address for Delivery].

**Signature**

Signed \_\_\_\_\_, 20\_\_\_\_

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Signature of petitioner

[or]

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Signature of counsel

**Form 62.14**

20

No.

Supreme Court of Nova Scotia

Between: [complete heading as required by Rule 82 - Administration of Civil Proceedings]

[name]

Applicant

and

[name]

Respondent

**Application for Divorce by Agreement**

**To:** [name of respondent]

**Applicant requests divorce**

The applicant applies to the court for a divorce order [*and a corollary relief order*] consistent with the agreement made in writing between you and the applicant on \_\_\_\_\_, 20\_\_\_\_, which settles all issues concerning the dissolution of the parties' marriage and corollary relief.

Accordingly, the applicant requests that this application be referred directly to a judge without opportunity for a hearing.

You must notify the prothonotary in writing immediately if you disagree with any statement made in this application.

**Summary of agreement**

The written agreement includes the following:

- A divorce order should be issued.
- The parties undertake not to appeal the divorce order.
- The parties request that the order be issued as soon as possible.
- The parties will have joint custody of [name of child] and the terms for care and custody are included in the agreement./*  
[name of party] will have custody of, and  
[name of party] will have access to, [name of child]  
*and the terms for custody and access are included in the agreement.*

- [name of paying party] will pay \$ \_\_\_\_\_ each month to [name of receiving party] in child support [include further terms for child support provided in the agreement] .
- [name of paying party] will pay \$ \_\_\_\_\_ each month to [name of receiving party] for spousal support.
- Matrimonial property is to be divided by [explain] .
- The respondent designates an address for delivery of documents and consents to proceeding by application without an opportunity for a hearing or contest.

### **Motion**

The applicant moves for a divorce order and for a corollary relief order consistent with the agreement.

### **Information and evidence in support**

The evidence in support of the motion is as follows:

- marriage certificate [if marriage certificate cannot reasonably be produced an affidavit must be filed proving the marriage and providing sufficient reasons for not proving it by certificate]
- the applicant's affidavit sworn on \_\_\_\_\_, 20\_\_\_\_ proving the facts referred to in Rule 62.16 and exhibiting the agreement
- applicant's and respondent's financial statements dated \_\_\_\_\_, 20\_\_\_\_ [required if there is a "child of the marriage" in the meaning of the *Divorce Act* or a claim is made for spousal support]
- applicant's and respondent's income information under the *Federal Child Support Guidelines* [required if there is a "child of the marriage" in the meaning of the *Divorce Act*]
- other [specify]

### **Contact information**

The applicant designates the following address:

Documents delivered to this address are considered received by the applicant on delivery. Further contact information is available from the prothonotary.

**Delivery to respondent**

You will immediately be notified of this application by immediate delivery of a copy of this notice to the address you designated in the agreement.

**Signatures**

Signed \_\_\_\_\_, 20\_\_\_\_

\_\_\_\_\_  
Signature of applicant  
Print name:

I, counsel for the applicant, certify that I have complied with the requirements of section 9 of the *Divorce Act*.

\_\_\_\_\_  
Signature of counsel  
Print name:

**Prothonotary's certificate**

I certify that this uncontested application for divorce was filed with the court on \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Prothonotary



**Motion**

The applicants jointly move for a divorce order and for a corollary relief order consistent with the agreement.

**Information and evidence in support**

The evidence in support of the motion is as follows:

- marriage certificate [if marriage certificate cannot reasonably be produced an affidavit must be filed proving the marriage]
  
- affidavits, or a joint affidavit, of the applicants proving the facts referred to in 66.13(1) and (2), and exhibiting the agreement [vary if only one applicant files an affidavit]
  
- the applicants' financial statements dated \_\_\_\_\_, 20\_\_\_\_  
[required if there is a "child of the marriage" in the meaning of the *Divorce Act*]
  
- the applicants' income information required under the *Federal Child Support Guidelines* [required if there is a "child of the marriage" in the meaning of the *Divorce Act*]
  
- other [specify] \_\_\_\_\_

**Contact information**

The applicant \_\_\_\_\_ [name] designates the following address:

The applicant \_\_\_\_\_ [name] designates the following address:

Documents delivered to these addresses are considered received by the applicant who designated the address on delivery. Further contact information is available from the prothonotary.

**Signatures**

Signed by [name of applicant] on \_\_\_\_\_, 20

\_\_\_\_\_  
Signature of joint applicant

Signed by [name of applicant] on \_\_\_\_\_, 20

\_\_\_\_\_  
Signature of joint applicant

I, counsel for [name of applicant], certify that I have complied with the requirements of section 9 of the *Divorce Act*.

\_\_\_\_\_  
Signature of counsel

Print name:

I, counsel for [name of other applicant], certify that I have complied with the requirements of section 9 of the *Divorce Act*.

\_\_\_\_\_  
Signature of counsel

Print name:

**Prothonotary's certificate**

I certify that this joint application for divorce was filed with the court on \_\_\_\_\_, 20 .

\_\_\_\_\_  
Prothonotary

**Form 62.23**

20

No.

Supreme Court of Nova Scotia

Between: [copy standard heading]

[name]

[title in proceeding]

and

[name]

[title in proceeding]

**Divorce Order**

Before the Honourable Justice [name or blank] in chambers

On motion of [name of moving party, parties, or counsel] the following is ordered: [delete inapplicable paragraphs and renumber others]

**Divorce**

1 [name of party] and [name of other party], who were married at [city, town, etc.], in [province, state, country] on [date of marriage] are divorced.

**Effective date**

2 As no order is made under subsection 12(2) of the *Divorce Act*, it is declared that the effective date of the divorce is as provided in the *Divorce Act*, namely thirty-one days within the meaning of the *Act* after the date of this order unless an appeal is started.

OR

Special circumstances having been proved and the undertaking required by subsection 12(2) of the *Divorce Act* having been filed, the divorce takes effect when this order is issued.

**Copies to parties**

3 The prothonotary must mail a certified copy of this order, and any corollary relief order issued with it, to each party.

**Certificate of divorce**

4 The prothonotary must issue a certificate of divorce when the prothonotary is satisfied that a copy of this order is mailed to both parties, the order becomes effective, and no appeal is started.

**Canada Pension Plan**

5 Neither this divorce order, nor a corollary relief order issued with it, is intended to affect a statutory entitlement to seek a division of credits or benefits under the *Canada Pension Act*.

**Change of name [delete if not applicable]**

6 The name of the [petitioner/applicant/respondent] ,  
[present name], who was born at [place] on [birth  
date] and whose name before marriage was [maiden or  
pre-marriage name], is changed to [new name].

Issued , 20

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Prothonotary

**Form 62.24**

20

No.

Supreme Court of Nova Scotia

Between: [copy standard heading]

[name]

[title in proceeding]

and

[name]

[title in proceeding]

**Corollary Relief Order**

Before the Honourable Justice [name or blank] in chambers

The parties were divorced by a divorce order dated , 20 .

On motion of [name of moving party, parties, or counsel] the following is ordered: [delete inapplicable paragraphs and renumber others]

**Custody**

1 Custody of the following children is granted to [name/both

*parties jointly*]:

Name of Child

Date of Birth

**Access [delete if joint custody]**

2 [name] may have access to the children at the following times, and according to the following terms:

OR

2 [name] may have reasonable access to the children on reasonable notice to the custodial parent or at times agreed to by the parties.

OR

2 [name] may have access to the children at the times and on the terms provided in the [separation agreement/ minutes of settlement/agreement] dated , 20 attached to this order, the terms of which are incorporated as terms of this order.

**Terms for joint custody [delete if custody and access is ordered]**

2 [name] may exercise primary care and control of the children and [name] may have care and control at the following times, and according to the following terms:

OR

2 The parties must provide for the custody, care and control of the children in accordance with the [separation agreement/minutes of settlement/ agreement] dated , 20 attached to this order, the terms of which are incorporated as terms of this order.

**Child support payments**

3 [name] must pay child support to [name] in the amount of \$ each month.

The amount of child support is based upon the supporting parent's annual income of \$ [if there is a contribution to special or extraordinary expenses add *and the receiving parent's annual income of \$* ].

The amount of child support is also based on the applicable table amount, in the *Federal Child Support Guidelines*, which is \$ each month [*plus the supporting parent's share of the following expenses:*

<i>Name of Child</i>	<i>Description of Expense</i>	<i>Percentage</i>	<i>Amount to be paid</i>
			\$

[Note: findings must be recorded if support is lower than the table amount.]

**Child support through health plan**

4 [name] must continue any medical, dental, or drug coverage by an employer that covers a child referred to in this order, must acquire and maintain coverage when it becomes available, and must see that the other parent is reimbursed without delay after a receipt is delivered by the other parent.

**Disclosure**

5 So long as a party is required to provide child support, both parties shall deliver to the other a copy of the party's tax return, immediately after it is filed, and a copy of an assessment, immediately after it is received.

**Spousal Support**

6 Neither party is required to pay spousal support to the other.

OR

6 [name] must pay spousal support to [name] in the amount of \$ each month.

**When payments are due**

7 Support payments are due on the first day of each month starting on , 20 .

The payments are to be sent to the director at P.O. Box 803, Halifax, Nova Scotia, B3J 2V2 if this order is filed with the Director of Maintenance Enforcement.

The current addresses of the parties are as follows:

***Matrimonial Property Act***

8 All property and debts have been divided by the parties and each shall retain possession of property now in his or her possession.

OR

8 Property must be divided in accordance with the [separation agreement/minutes of settlement/agreement] dated , 20 attached to this order, the terms of which are incorporated as terms of this order.

OR

8 Property is divided under the *Matrimonial Property Act* as follows:

**Enforcement**

9 A requirement to pay money under this order may be enforced by execution order, or periodic execution order.

The sheriff must do such things as are necessary to enforce this order and, to do so, may exercise any power of a sheriff permitted in a recovery order or an execution order.

Issued , 20

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Prothonotary

**Form 62.25**

20

No.

Supreme Court of Nova Scotia

**Certificate of Divorce**

This certifies that the marriage of \_\_\_\_\_ and \_\_\_\_\_,  
which was solemnized on \_\_\_\_\_, 20\_\_\_\_ was dissolved by a divorce order that became  
effective on \_\_\_\_\_, 20\_\_\_\_.

Issued \_\_\_\_\_, 20\_\_\_\_

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Prothonotary  
[apply court seal]

**Form 62.27**

20

No.

Supreme Court of Nova Scotia

Between:

Applicant

and

Respondent

**Notice of Hearing Concerning Provisional Order**

**To:** [name of respondent and community  
which respondent resides]

**Provisional Order**

The [name of court in other jurisdiction] made a provisional order under the *Divorce Act*. A copy of the order is attached to this notice.

**Hearing to consider confirmation**

At \_\_\_\_\_ o'clock on \_\_\_\_\_, 20\_\_\_\_ at the [Courthouse/Law Courts] in \_\_\_\_\_, Nova Scotia a judge of this court will consider whether to confirm the provisional order.

**Your rights**

You have the right to be present at the hearing, to be represented by counsel retained by yourself, to present evidence, and to make submissions. An order may be made against you without further notice although you choose not to attend.

**Evidence supporting provisional order**

Copies of all documents delivered to this court by the court that made the provisional order are to be delivered to you with this notice.

Issued \_\_\_\_\_, 20

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Prothonotary