

FORM 70 A
PETITION FOR DIVORCE

(General heading)

(Court seal)

PETITION FOR DIVORCE

TO THE RESPONDENT

A LEGAL PROCEEDING FOR A DIVORCE HAS BEEN COMMENCED AGAINST YOU by the petitioner. The claim made against you appears in the following pages.

IF YOU WISH TO DEFEND THIS PROCEEDING, you or a lawyer acting for you must prepare an Answer in Form 70 D and a designation of address for service (Form 16 A.1) prescribed by the Rules of Civil Procedure, serve it on the petitioner's lawyer or, where the petitioner does not have a lawyer, serve it on the petitioner, and file it, with proof of service, in this court office, WITHIN TWENTY DAYS after this petition is served on you, if you are served in Prince Edward Island.

If you are served in another province or territory of Canada or in the United States of America, the period for serving and filing your answer is forty days. If you are served outside Canada and the United States of America, the period is sixty days.

Instead of serving and filing an answer, you may serve and file a notice of intent to defend in Form 70 H prescribed by the Rules of Civil Procedure. This will entitle you to ten more days within which to serve and file your answer.

IF YOU FAIL TO SERVE AND FILE AN ANSWER, A DIVORCE MAY BE GRANTED IN YOUR ABSENCE AND WITHOUT FURTHER NOTICE TO YOU, JUDGMENT MAY BE GRANTED AGAINST YOU ON ANY OTHER CLAIM IN THIS PETITION AND YOU MAY LOSE YOUR RIGHT TO SUPPORT OR DIVISION OF PROPERTY.

NEITHER SPOUSE IS FREE TO REMARRY until a divorce has been granted and has taken effect. Once a divorce has taken effect, you may obtain a certificate of divorce from this court office.

(Date)

Issued by _____

Registrar

Address of court office _____

TO:

CLAIM

1. The petitioner claims:

(a) under the *Divorce Act*,

- ☐ a divorce
- ☐ an order for Child Support for the Children of the marriage
- ☐ an order for decision making responsibility for the Children of the marriage
- ☐ an order for Parenting time with the Children from the marriage
- ☐ an order for Spousal Support
- ☐ an order for equal/unequal Property division

(b) under the *Family Law Act*,

- (i)
- (ii)
- (iii)

GROUNDS FOR DIVORCE

2.

- ☐ Separation – The spouses have lived separate and apart since _____ (date). The spouses have resumed cohabitation during the following periods in an unsuccessful attempt at reconciliation:

- ☐ Adultery – The respondent spouse has committed adultery. Particulars are as follows:

- ☐ Cruelty – The respondent has treated the petitioner with physical or mental cruelty of such a kind as to render intolerable the continued cohabitation of the spouses. Particulars are as follows:

RECONCILIATION

- 3. There is no possibility of reconciliation of the spouses.
- 4. The following efforts to reconcile have been made: The parties have engaged in prolonged discussions in an effort to resolve this outstanding matters.

DETAILS OF MARRIAGE

(Where possible, copy the information from the marriage certificate.)

- 5. Date of marriage:
- 6. Place of marriage:

Information about the petitioner

- 7. Petitioner's birth date:
- 8. Petitioner's birthplace:
- 9. Petitioner's surname on the day before the day of the marriage:
- 10. Petitioner's given names on the day before the day of the marriage:
- 11. Petitioner's gender on the day before the day of the marriage:
- 12. Marital status of Petitioner at time of marriage:

Information about the respondent

- 13. Respondent's birth date:
- 14. Respondent's birthplace:
- 15. Respondent's surname on the day before the day of the marriage:
- 16. Respondent's given names on the day before the day of the marriage:
- 17. Respondent's gender on the day before the day of the marriage:
- 18. Marital status of respondent at time of marriage:

Marriage certificate

- 19. A certificate of the marriage from Vital Statistics (P.E.I.) (or the equivalent thereof from another jurisdiction) of the spouses has been filed with the court;

RESIDENCE

20. The petitioner has resided in _____ since _____.
21. The respondent has resided in _____ since _____.
22. The respondent's current address is at _____.
23. The Petitioner has habitually resided in Prince Edward Island for at least one year - immediately preceding the commencement of this proceeding.

CHILDREN

24. The following are all the living children of the marriage as defined by the *Divorce Act*:

Full name	Birthdate	School and Grade/Year	Person with whom child lives and length of time child has lived there

The children ordinarily reside in

Parenting order

25. The petitioner:

- ☐ does not seek an order for parenting time
- ☐ seeks an order for parenting time with respect to the following children on the following terms:

Name of child	Terms of the order requested
_____	_____
_____	_____
_____	_____
_____	_____

26. The following are the current parenting time arrangements (*if there are any Orders or written Agreements in place respecting parenting time, provide details*): (a)

27. The petitioner:

- ☐ does not seek an order for decision-making responsibility
- ☐ seeks an order for decision-making responsibility with respect to the following children on the following terms:

Name of child	Terms of the order requested

28. The following are the current decision-making responsibility arrangements respecting the following children (*if they are any Orders or written Agreements in place respecting decision-making responsibility, provide details*)

29. The parenting order sought is in the best interests of the child(ren) for the following reasons:

30. The following material changes in the circumstances of the spouses are expected to affect the parenting order in the future:

Child support

31. With respect to child support, there is

☐ An order in place, dated _____ (☐ *order is attached*).

Is this order being followed? ☐ Yes ☐ No

Is the petitioner seeking to vary the child support terms in this order? ☐ Yes ☐ No ☐

☐ A written agreement in place, dated _____ (☐ *agreement is attached*)

Is this agreement being followed? ☐ Yes ☐ No

Is the petitioner seeking to vary the child support terms in this agreement? ☐ Yes ☐ No

☐ A verbal agreement in place since (*date*) _____

Is this agreement being followed? ☐ Yes ☐ No

Is the petitioner seeking a court order on the terms of this verbal agreement? ☐ Yes ☐ No

☐ No order or agreement in place

32. If there is an order, written agreement, or verbal agreement respecting child support in place, provide details of the child support terms in the order or agreement:

(a) Basic child support (table amount)

Name of child	Payable by (<i>petitioner or respondent</i>)	Amount payable

(b) Special or extraordinary expenses

Name of child	Name of expense	Payable by	Amount of expense

33. If the petitioner is seeking an order for child support, state the terms of the order that the petitioner is seeking:

(a) Basic child support (table amount)

Name of child	Payable by (<i>petitioner or respondent</i>)	Amount payable

(b) Special or extraordinary expenses

Name of child	Name of expense	Payable by	Amount of expense

34. If the petitioner is seeking an order for basic child support and claims that the *Federal Child Support Guidelines* table amount should not be ordered, briefly outline the reasons here.

**GROUND FOR RELIEF REQUESTED
(OTHER THAN A DIVORCE AND PARENTING ORDER)**

35. The grounds for the relief sought in paragraph 1, other than a divorce or parenting order, are as follows:

DOMESTIC CONTRACTS AND FINANCIAL ARRANGEMENTS

36. The spouses have entered into the following domestic contracts and other written or oral financial arrangements: *(Indicate whether the contract or arrangement is now in effect, and if support payments are not being paid in full, state the amount that has not been paid.)*

Date	Nature of contract or arrangement	Status
<hr/>	<hr/>	<hr/>
<hr/>	<hr/>	<hr/>
<hr/>	<hr/>	<hr/>
<hr/>	<hr/>	<hr/>
<hr/>	<hr/>	<hr/>

OTHER COURT PROCEEDINGS OR ORDERS

37. Family law proceedings or orders

(a) Are there any current or previous family law orders or proceedings involving you and your spouse/former spouse?

(b) If yes, give the name of the court, the court file number, the current status of any proceedings, and details of any orders made.

38. Criminal proceedings or orders

- (a) Are you currently charged with committing, or have you been convicted of, a criminal offence involving family violence?
- (b) Are you required to follow conditions in relation to a criminal case (for example, bail order, probation order, recognizance (peace bond), or parole order)? If yes, provide details.
- (c) Do you know if your spouse/former spouse is currently charged with committing, or has been convicted of, a criminal offence or required to follow conditions in relation to a criminal case involving family violence?

39. Child protection proceedings or orders

- (a) Are you aware of any current or previous involvement of Child Protection Services with you, your spouse/former spouse, or your children? If yes, provide details.

40. Civil protection proceedings or orders (e.g. emergency protection order, victim assistance order)

- (a) Are you aware of any current or previous civil protection orders or proceedings involving you or your spouse/former spouse?

COLLUSION, CONDONATION AND CONNIVANCE

- 41. There has been no collusion in relation to this divorce proceeding.
- 42. There has been no condonation of or connivance at the grounds for divorce in this proceeding.

TRIAL

- 43. The spouses propose that if there is a trial in this action, the trial be held at

DECLARATION OF PETITIONER

44. I have read and understand this petition for divorce. The statements in it are true, to the best of my knowledge, information and belief.

45. I certify to this court that I am aware of my duties under sections 7.1 to 7.5 of the *Divorce Act*.

Date

Signature of Petitioner

STATEMENT OF LAWYER

46. I, (name), lawyer for the petitioner, certify to this court that I have complied with the requirements of section 7.7 of the *Divorce Act*. (*Where in the circumstances it would clearly not be appropriate to discuss the matters in section 7.7(1) and/or section 7.7(2)(a) with the petitioner, set out the circumstances.*)

Date

Signature of lawyer

(*The following is to appear on the backsheet of the petition.*)

ACKNOWLEDGEMENT OF SERVICE

I, _____, am the respondent named in this petition. I acknowledge receipt of a copy of this petition. My address for service of documents in this divorce proceeding is _____

Date _____ Signature of respondent _____
Signature of witness _____

I, _____, served this petition personally on the respondent.

☐ The respondent completed and signed the acknowledgement of service above in my presence and I signed it as witness.

or

☐ The respondent declined to complete and sign the acknowledgement of service.

Signature _____