

**Form 59.09**

20

No.

Supreme Court of Nova Scotia  
(Family Division)

Between:

Petitioner

and

Respondent

**Petition for Divorce**

To:

**An action was started for divorce**

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

The action was started by filing this petition with the court on the date certified by the court officer.

**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 petition 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*:

- ☐ decision-making responsibility (s. 16)
- ☐ parenting time (s. 16)
  - ☐ primary care (time in excess of 60%)
  - ☐ shared parenting (time between 40-60%)
  - ☐ other
- ☐ child support (s. 15.1)
  - ☐ administrative recalculation of child support (s. 25.1)
- ☐ spousal support (s. 15.2)
- ☐ other:

**Claims under other legislation**

The petitioner claims under the following legislation for the following relief:

- ☐ *Matrimonial Property Act* for the following:
  - ☐ exclusive possession of matrimonial home (s. 11)
  - ☐ division of assets (s. 12)
  - ☐ other
- ☐ *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* (s. 7) for a change of registered name
- ☐ Other:

**Ground for divorce and particulars**

There was a breakdown of the marriage of the parties and in particular:

- ☐ The parties were living separate and apart since \_\_\_\_\_, were living separate and apart at the time this action was started, and will have lived separate and apart for no less than one year when this action is determined.
- ☐ The respondent has committed adultery and there was no condonation or connivance on the part of the petitioner.
- ☐ The respondent has treated the petitioner with physical or mental cruelty of such kind as to render intolerable the continued cohabitation of the spouses, and there was no condonation or connivance on the part of the petitioner.

**No reconciliation**

There is no possibility of reconciliation between the parties.

**No improper conduct**

There was no collusion between the parties leading to this petition for divorce.

### Details of the marriage

- Date of marriage:
- Place of marriage:
- Surnames and given names on the day before marriage  
petitioner:  
respondent:
- Surnames and given names on birth certificate  
petitioner:  
respondent:
- Gender on the day before marriage  
petitioner: ☐ male ☐ female ☐ other  
respondent: ☐ male ☐ female ☐ other
- Marital status when married  
petitioner: ☐ single ☐ divorced  
respondent: ☐ single ☐ divorced
- Place and date of birth  
petitioner:  
respondent:

### Jurisdiction

The petitioner lives in \_\_\_\_\_, and the respondent lives in \_\_\_\_\_. The petitioner was habitually resident in Nova Scotia for at least one year before the day this petition is signed and, in particular 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

**Decision-making responsibility arrangements**

Present arrangements for decision-making responsibility of the children are as follows:

**Parenting time arrangements**

Present arrangements for parenting time with the children are as follows:

**Child support arrangements**

Present arrangements for child support are as follows:

**Agreements**

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

**Other relevant proceedings and orders**

There are, and there were, no other proceedings between the parties, or proceedings/circumstances affecting the well-being or safety of the children/parties.

OR

There are, or there were, other proceedings between the parties, or proceedings/circumstances affecting the well-being or safety of the children/parties, details of which are as follows:

Type of proceeding(s) & court file number:

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Order(s) or other measure:

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Circumstance(s):

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**Documents in support**

The **petitioner** files the following documents in support of the petition:

- ☐ parenting statement
- ☐ statement of income
- ☐ statement of special or extraordinary expenses
- ☐ statement of undue hardship circumstances
- ☐ statement of expenses
- ☐ statement of property
- ☐ affidavit of
- ☐ other affidavits and documents [give specifics]

A copy of each document is to be delivered to you with this petition.

**Required to file documents**

There are requirements in the ***Nova Scotia Civil Procedure Rules*** for parties to file documents and these requirements depend on the type of relief sought. A judge or court officer may direct you to file documents and provide information by a specific date in response to this petition.

**Filing and delivering documents**

Any documents you file with the court must be filed at the courthouse

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.

**Proposed place of trial**

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

**Declaration & certificate**

I declare that the statements in this petition for divorce are true to the best of my personal knowledge, or information given to me that I believe to be true, and I certify that I am aware of my duties under sections 7.1 through 7.5 of the *Divorce Act* which include:

1. I must exercise any parenting time or decision-making responsibility that I have with respect to any child/children of the marriage in a manner that is consistent with the best interests of the child/children;
2. To the best of my ability, I must protect the child/children of the marriage from conflict arising from this proceeding;
3. To the extent that it is appropriate to do so, I must try to resolve the issues in this proceeding through a family dispute resolution process;
4. I must provide complete, accurate and up-to-date information as required under the *Divorce Act*, as part of this proceeding and under a Court Order; and,
5. If I am subject to an order made under the *Divorce Act*, I must follow and comply with the order until it is no longer in effect.

Signed \_\_\_\_\_

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

**Court officer's certificate**

I certify that this petition for divorce was filed with the court on

, 20 .

\_\_\_\_\_  
Court Officer

For delivery with supporting documents to the respondent: