

Form 15-16
(Rule 15-16)

COURT FILE NUMBER _____

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

JUDICIAL CENTRE _____

PETITIONER _____

RESPONDENT _____

PETITION

NOTICE TO RESPONDENT

A LEGAL PROCEEDING HAS BEEN COMMENCED AGAINST YOU. THE PETITIONER IS ASKING THE COURT TO MAKE ONE OR MORE ORDERS OR JUDGMENTS AGAINST YOU, PARTICULARS OF WHICH ARE SET OUT IN THE ATTACHED PAGES. If you do not agree with what the petitioner is claiming, you must take certain steps to make sure that the Court hears your position. Additionally, you may ask the Court to make one or more orders or judgments in your favour against the petitioner.

IF YOU DO NOT AGREE WITH WHAT THE PETITIONER IS CLAIMING OR YOU WISH TO MAKE A CLAIM AGAINST THE PETITIONER, YOU NEED TO DO THE FOLLOWING:

- YOU OR YOUR LAWYER MUST PREPARE AN ANSWER IN FORM 15-19A OR AN ANSWER AND COUNTER-PETITION IN FORM 15-20.
- YOUR ANSWER OR ANSWER AND COUNTER-PETITION MUST BE SERVED ON THE PETITIONER OR THE PETITIONER'S LAWYER, AND FILED (WITH PROOF OF SERVICE) WITH THE COURT:
 - a. WITHIN 30 DAYS after this petition is served on you, if you were served in Canada or in the United States; or
 - b. WITHIN 60 DAYS after this petition is served on you, if you were served outside of Canada or the United States.
- IF YOUR COUNTER-PETITION SEEKS RELIEF NOT IN THE PETITION, YOU MUST ARRANGE TO SERVE YOUR ANSWER AND COUNTER-PETITION ON THE PETITIONER PERSONALLY THROUGH A THIRD PERSON (YOU CANNOT SERVE IT YOURSELF).
- IF YOU FAIL TO SERVE AND FILE AN ANSWER WITHIN THE TIME SPECIFIED ABOVE, A JUDGMENT OR ORDER MAY BE GRANTED IN YOUR ABSENCE, AND WITHOUT FURTHER NOTICE TO YOU, ON ANY CLAIM IN THIS PETITION INCLUDING DISSOLUTION OF YOUR MARRIAGE AND DIVISION OF YOUR PROPERTY, AND YOU MAY LOSE YOUR RIGHT TO SUPPORT OR TO A DIVISION OF PROPERTY.

- BEFORE SERVING AND FILING AN ANSWER, YOU MAY SERVE AND FILE A NOTICE OF INTENT TO ANSWER IN FORM 15-19B. THIS WILL ENTITLE YOU TO 10 MORE DAYS WITHIN WHICH TO SERVE AND FILE YOUR ANSWER.
- IF THIS PETITION CONTAINS A CLAIM FOR CHILD SUPPORT OR SPOUSAL SUPPORT, YOU MUST COMPLY WITH THE NOTICE TO FILE A FINANCIAL STATEMENT THAT HAS BEEN SERVED ON YOU WITH THIS PETITION. IF YOUR COUNTER-PETITION CONTAINS A CLAIM FOR CHILD SUPPORT OR SPOUSAL SUPPORT, YOU MUST SERVE AND FILE A FINANCIAL STATEMENT IN FORM 15-47 EXCEPT IN LIMITED CIRCUMSTANCES.
- IF THIS PETITION OR YOUR COUNTER-PETITION CONTAINS A PROPERTY CLAIM, YOU MUST SERVE AND FILE A PROPERTY STATEMENT IN FORM 15-49.
- IF THIS PETITION OR YOUR COUNTER-PETITION CONTAINS A CLAIM FOR CHILD SUPPORT OR A PARENTING ORDER, YOU ARE REQUIRED TO ATTEND A PARENTING EDUCATION PROGRAM EXCEPT IN LIMITED CIRCUMSTANCES. FAILURE TO ATTEND CAN HAVE SERIOUS CONSEQUENCES TO YOUR COURT CASE. TO ATTEND THE PARENTING EDUCATION PROGRAM, YOU MUST REGISTER AT LEAST 2 DAYS IN ADVANCE, BY TELEPHONE, TOLL-FREE AT 1-877-964-5501.
- IF YOU DO NOT OPPOSE OR DISPUTE THE PETITION BUT WISH TO BE INFORMED OF SUBSEQUENT STEPS IN THE PROCEEDING, YOU MAY SERVE AND FILE A DEMAND FOR NOTICE IN FORM 15-21, AFTER WHICH THE PETITIONER MUST SERVE NOTICE OF ALL SUBSEQUENT PLEADINGS OR PROCEEDINGS ON YOU.

IF THIS PETITION SEEKS A DIVORCE, NEITHER SPOUSE IS FREE TO REMARRY UNTIL A JUDGMENT OF DIVORCE TAKES EFFECT.

THIS PETITION IS TO BE SERVED WITHIN 6 MONTHS AFTER THE DATE ON WHICH IT IS ISSUED, UNLESS ORDERED OTHERWISE.

This petition is issued at _____, Saskatchewan, this _____ day
of _____, 2 _____.

Local Registrar

TO THIS HONOURABLE COURT:

CLAIM

1 I ask this Honourable Court for the following remedy:

(a) *Divorce Act* (Canada)

- ☐ Divorce
- ☐ Parenting Arrangements
 - ☐ Decision-making responsibility
 - ☐ Parenting time
- ☐ Other (*specify*) _____
- ☐ Support for myself in the amount of \$ _____ per month
- ☐ Child support under the Federal Child Support Guidelines
 - ☐ Table amount
 - ☐ Special or extraordinary expenses
 - ☐ Other amount (*specify*) _____

(b) *The Family Property Act*

- ☐ Exclusive possession of family home
- ☐ Division of family home: _____ equal _____ unequal
- ☐ Division of family property: _____ equal _____ unequal

(c) *The Children's Law Act, 2020*

- ☐ Parenting Arrangements
 - ☐ Decision-making responsibility
 - ☐ Parenting time
- ☐ Guardianship over children's property
- ☐ Declaratory order respecting parentage
- ☐ Other (*specify*) _____

(d) *The Family Maintenance Act, 1997*

- ☐ Maintenance for myself in the amount of \$ _____ per month
- ☐ Maintenance for children under the Federal Child Support Guidelines
 - ☐ Table amount
 - ☐ Special or extraordinary expenses
 - ☐ Other amount (*specify*) _____

(e) ☐ Judicial separation under *The Queen's Bench Act, 1998*

(f) ☐ Nullity of marriage

(g) ☐ Relief under *The Dependants' Relief Act, 1996*

(h) Relief between persons who have lived together as spouses

- ☐ Interest in property
- ☐ Monetary compensation
- ☐ Other (*specify*) _____

(i) ☐ Other (*specify Act, if any, and particulars of the claim*) _____

(j) ☐ Costs (*specify particulars of the amount and basis for the claim*) _____

IN THE CIRCUMSTANCES set out below:

PARTICULARS OF MARRIAGE BREAKDOWN

2 Proof of marriage

- ☐ A certificate of marriage or a certificate of registration of marriage has been filed with the Court.
- or*
- ☐ An undertaking to file a certificate of marriage or a certificate of registration of marriage with the Court by _____ has been filed with the Court.
- (date)*
- or*
- ☐ It is impossible or impractical to obtain a certificate of marriage or a certificate of registration of 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: *(Refer to separation, adultery or cruelty by reference to appropriate sections of the Divorce Act or The Queen's Bench Act, 1998.)*

- ☐ Separation for more than one year
- ☐ Adultery
- ☐ Cruelty

4 The facts on which my petition for divorce *(or judicial separation or nullity of marriage)* is based are: *(Set out fully but concisely all the material facts relied on, but not the evidence by which the facts are to be proved.)*

5 The following efforts to reconcile have been made:

6 It is no longer possible for me to reconcile or resume cohabitation with my spouse.

COLLUSION, CONDONATION AND CONNIVANCE

7 (a) 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 make up or hide evidence or to deceive the Court.

And (Include clause (b) only if adultery or cruelty is the basis of the marriage breakdown.)

- ☐ (b) I have not encouraged my spouse to act in the manner that I have outlined, nor to commit or continue the alleged acts. I am unable to forgive my spouse and resume marital cohabitation as a result of my spouse's acts and conduct towards me.

MEDIATION AND FAMILY DISPUTE RESOLUTION

8 The family mediation services and family dispute resolution services used to negotiate matters pertaining to support or parenting are as follows:

PARTICULARS OF PROPERTY CLAIM

9 At the date of issue of this petition, the respondent and I owned or held an interest in real and personal property, jointly or separately. The particulars of that property are set out in my Property Statement in Form 15-49 filed in this proceeding.

(A Property Statement need not be filed if the parties have agreed on the remedy and a Waiver of Property Statements in Form 15-50 has been filed.)

10 Regarding division of property:

☐ I am entitled to an equal distribution of the family home and/or the family property.

or

☐ My grounds for claiming that an equal distribution of the family home and/or the family property would be unfair and inequitable are as follows: *(Refer to specific sections of The Family Property Act.)*

or

☐ The facts on which my claim for an interest in property or monetary compensation as persons who have lived together as spouses is based are:

PARTICULARS OF RELATIONSHIP

11 The respondent and I:

☐ were married on _____ at _____
*(date)**(place)*

or

☐ are spouses as defined by:

☐ *The Family Maintenance Act, 1997;*

☐ *The Family Property Act; or*

☐ *The Dependents' Relief Act, 1996; and*

commenced cohabitation on _____ at _____
*(date)**(place)*

and/or

☐ are parents as defined by *The Children's Law Act, 2020*.

12 Regarding cohabitation:

☐ I ceased to cohabit with the respondent on or about _____
(date)

or

☐ I have never cohabited with the respondent.

PARTICULARS OF PARTIES

13 My surname at birth: _____

14 My surname immediately before marriage: _____

15 My marital status at time of marriage: _____
(never married, divorced or widowed)

16 I was born: _____
(date)

17 (Complete this paragraph if the petition contains a claim for divorce.) On the day before my marriage to the respondent, my gender was:

☐ male ☐ female ☐ other

18 The respondent's surname at birth: _____

19 The respondent's surname immediately before marriage: _____

20 The marital status of the respondent at time of marriage: _____
(never married, divorced or widowed)

21 The respondent was born: _____
(date)

22 (Complete this paragraph if the petition contains a claim for divorce.) On the day before my marriage to the respondent, the respondent's gender was:

☐ male ☐ female ☐ other

RESIDENCE

23 My address is: _____

24 The respondent's address is: _____

25 I have (or the respondent has) been ordinarily resident in Saskatchewan since: _____
(date)

CHILDREN

26 Regarding children of our relationship:

☐ There are no children of the respondent or me who are in the care of either of us.

or

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

and

☐ I am claiming a remedy with respect to the following children:

and/or

☐ I am not claiming any remedy with respect to the following children:

because: _____

27 The particulars of the current parenting arrangements of the children are as follows:

which is satisfactory (*or* unsatisfactory) for the following reasons:

28 I claim decision-making responsibility (*or* joint decision-making responsibility) for the following children on the following terms:

and/or

I agree that the respondent have decision-making responsibility (*or* joint decision-making responsibility) for the following children:

29 I propose to permit parenting time with respect to the following children on the following terms:
(Specify length of parenting time being proposed.)

and/or

I claim parenting time with respect to the following children:
(Specify length of parenting time sought.)

30 The proposed parenting arrangement is in the best interests of the children for the following reasons:

31 The following changes of circumstances of the respondent or me are expected to affect the children or the parenting of the children in the future:

32 The nature of my relationship to and interest in the children is as follows:

33 The nature of the respondent's relationship to and interest in the children is as follows:

34 Other than the respondent and me, the following persons may have an interest in the parenting of the children or may have an obligation to support the children:
(State name, address and relationship to children):

35 The existing financial arrangements for the support of the children are as follows:

36 I propose that the financial arrangements for the support of the children, having regard to the remedy claimed, should be as follows:

37 (If the amount claimed is different than the table amount under the Federal Child Support Guidelines.) I am claiming child support in an amount different from the table amount determined under the Federal Child Support Guidelines due to:

- ☐ Child 18 years or older
- ☐ Income over \$150,000
- ☐ Split parenting time
- ☐ Shared parenting time
- ☐ Payor standing in place of a parent
- ☐ Special or extraordinary expenses, particulars of which are set out in Schedule 3 of my Financial Statement
- ☐ Undue hardship, particulars of which are set out in Schedule 6 of my Financial Statement

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

SPOUSAL SUPPORT

39 The facts to substantiate the proposed support for myself are as follows: (*Make reference to your condition, means, needs and other circumstances.*)

PROCEEDINGS AND AGREEMENTS

40 The particulars and status of all other legal proceedings commenced between the respondent and me with respect to the marriage, cohabitation, parenting, support, maintenance or division of property are:

41 The particulars and status of all other civil and criminal legal proceedings, past or ongoing, that may be relevant to the safety, security or well-being of the children are:

42 The dates of all written or oral separation, financial or parenting agreements between the respondent and me are: _____

The agreement(s) pertain(s) to:

- ☐ parenting of the children
- ☐ child support
- ☐ spousal support
- ☐ division of property
- ☐ other (*specify*) _____

(If it is sought to incorporate provisions of a separation agreement in the judgment, refer to the specific provisions to be incorporated.)

43 The particulars of all other orders or agreements relating to any child in the care of the respondent or me are:

44 The particulars and status of all other legal proceedings that have resulted in an existing order, recognizance or undertaking that restricts contact or communication between the respondent and me, or any other member of our respective households, are: *(Include date and terms of order, recognizance or undertaking.)*

FINANCIAL INFORMATION

45 Financial documents:

- ☐ My Financial Statement in Form 15-47 is filed in this proceeding. *(A financial statement must be filed if the petition contains a claim for support unless the only financial claim is for child support in the table amount, or if one of the following alternatives applies.)*
or
- ☐ The respondent and I have agreed on the amount to be paid for child support and on the annual income of each of us who would be required to provide income information under the Federal Child Support Guidelines, and an Agreement as to Child Support in Form 15-48B *(with all required documents attached)* is filed in this proceeding.
or
- ☐ *(If there is no claim for child support.)* The respondent and I have agreed on the amount to be paid for spousal support, and a Waiver of Financial Statements in Form 15-48A is filed in this proceeding.

46 My occupation is: _____

47 My place of employment is: _____

48 My current annual income from all sources is estimated to be: \$ _____

49 The respondent's occupation is: _____

50 The respondent's place of employment is: _____

51 The respondent's current annual income from all sources is estimated to be: \$ _____

DATED at _____, Saskatchewan, this _____ day
of _____, 20 _____.

(signature of petitioner)

STATEMENT OF PETITIONER

(To be signed by the petitioner in a proceeding under the *Divorce Act*.)

I, _____, the petitioner in this proceeding, certify that I am aware of my duties pursuant to sections 7.1 to 7.5 of the *Divorce Act* (Canada).

(signature of petitioner)

INFORMATION NOTE

Sections 7.1 to 7.5 of the *Divorce Act* (Canada) state as follows:

Best interests of child

7.1 A person to whom parenting time or decision-making responsibility has been allocated in respect of a child of the marriage or who has contact with that child under a contact order shall exercise that time, responsibility or contact in a manner that is consistent with the best interests of the child.

Protection of children from conflict

7.2 A party to a proceeding under this Act shall, to the best of their ability, protect any child of the marriage from conflict arising from the proceeding.

Family dispute resolution process

7.3 To the extent that it is appropriate to do so, the parties to a proceeding shall try to resolve the matters that may be the subject of an order under this Act through a family dispute resolution process.

Complete, accurate and up-to-date information

7.4 A party to a proceeding under this Act or a person who is subject to an order made under this Act shall provide complete, accurate and up-to-date information if required to do so under this Act.

Duty to comply with orders

7.5 For greater certainty, a person who is subject to an order made under this Act shall comply with the order until it is no longer in effect.

STATEMENT OF LAWYER

(To be completed if the petitioner is represented by a lawyer in a proceeding under the Divorce Act, The Children's Law Act, 2020, The Family Maintenance Act, 1997 or The Family Property Act.)

I, _____, the lawyer for _____, the petitioner in this proceeding, certify to this Court that I have complied with the requirements of section 7.7 of the *Divorce Act* (Canada) in discussing with my client the matters of spousal reconciliation, family dispute resolution services, and my client's duties under the *Divorce Act*. *(If the circumstances of the case are of such a nature that it would clearly not be appropriate to so comply, set out the circumstances.)*

I further certify to this Court that I have complied with (as applicable):

- (a) subsection 20(1) of *The Children's Law Act, 2020*;
- (b) subsection 16(1) of *The Family Maintenance Act, 1997*;
- (c) subsection 44.1(1) of *The Family Property Act*;

in discussing with my client the advisability of using alternative methods to resolve matters, and I have informed my client of the collaborative law services and mediation services known to me that might assist in resolving matters. *(If the circumstances of the case are of such a nature that it would clearly not be appropriate to so comply, set out the circumstances.)*

DATED at _____, Saskatchewan, this _____ day
of _____, 2 _____.

(signature of lawyer)

CONTACT INFORMATION AND ADDRESS FOR SERVICE

If prepared by a lawyer for the party

Name of firm: _____

Name of lawyer in charge of file: _____

Address of legal firm: _____
(set out the street address)

Telephone number: _____

Fax number (if any): _____

E-mail address (if any): _____

or

If the party is self-represented

Name of party: _____

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

Telephone number: _____

Fax number (if any): _____

E-mail address (if any): _____