

COURT FILE NO.

COURT

Court of Queen's Bench Of Alberta

JUDICIAL CENTRE

PLAINTIFF

DEFENDANT

DOCUMENT

Statement of Claim for Divorce

ADDRESS FOR SERVICE
AND CONTACT
INFORMATION OF PARTY
FILING THIS DOCUMENT

Clerk's Stamp

NOTICE TO DEFENDANT

You are being sued. You are the Defendant.

Go to the end of this document to see what you can do and when you must do it.

THE PARTIES

1. (1) (a) The date of the marriage was: _____
(b) The place of the marriage was: _____
- (2) (a) The parties started to cohabit on: _____
(b) The parties ceased cohabiting on: _____
- (3) Particulars respecting the Plaintiff:
- Address: _____
Date of birth: _____
Place of birth: _____
Surname at birth: _____
Surname at the time of marriage: _____
Gender at the time of marriage (male/female/another gender) _____
Marital status at the time of marriage: _____
- (4) Particulars respecting the Defendant:
- Address: _____
Date of birth: _____
Place of birth: _____
Surname at birth: _____
Surname at the time of marriage: _____
Gender at the time of marriage (male/female/another gender) _____
Marital status at the time of marriage: _____

RESIDENCE

2. The Plaintiff has been ordinarily resident in the Province of Alberta for at least one year immediately preceding the date of this Statement of Claim.

GROUND

3. The Plaintiff is seeking a divorce on the grounds of the breakdown of the marriage by reason of: *(choose those which apply)*
- ☐ The parties are now separated and will have been separated for at least one (1) year at the determination of the divorce proceeding;
- ☐ The Defendant has, since the celebration of the marriage, committed adultery;
- ☐ The Defendant has, since the celebration of the marriage, treated the Plaintiff with physical or mental cruelty of such a kind as to render intolerable the continued cohabitation of the spouses.

RECONCILIATION

4. There is no possibility of reconciliation.

BARS TO DIVORCE

5. (1) There has been no collusion in relation to this divorce action.
- (2) ☐ The Plaintiff has not connived at or condoned the grounds complained of prior to bringing this divorce action. *(use only if the grounds are under paragraph 8(2)(b) of the Divorce Act (Canada))*

CHILDREN

6. (1) The particulars of each child of the marriage (which includes a child of one spouse to whom the other spouse stands in the place of a parent) are as follows:

(List all dependent children involved in this proceeding, even if no claims are being made in relation to those children.)

_____, born _____

_____, born _____

_____, born _____

- (2) The Plaintiff proposes custody for each child as follows:
- (3) If written notice of a change of residence or relocation is required to be given under section 16.8 or 16.9 of the Divorce Act (Canada), the Plaintiff proposes that notice be given as follows:
- (a) The Plaintiff will provide written notice to the Defendant by: *(specify how the written notice will be delivered to the Defendant, e.g. by mail, in person, by email, etc.):*
- (b) The Defendant will provide written notice to the Plaintiff by: *(specify how the written notice will be delivered to the Plaintiff, e.g. by mail, in person, by email, etc.)*
- (4) The Plaintiff proposes financial arrangements for each child as follows:

AGREEMENTS

7. The parties have made an agreement regarding the custody, access, parenting arrangements or support of the children or support of each other, as follows:

COURT PROCEEDINGS

8. (1) The details of any other court proceeding in regard to the marriage, custody, access, parenting arrangements and support of the children or support of the parties are as follows:
- (2) The details of any
- (a) court proceedings for a civil or family restraining order or a protection order under the Protection Against Family Violence Act,
 - (b) court proceedings, agreements or measures relating to child protection, or
 - (c) proceedings, undertakings or recognizances relating to any matter of criminal nature involving the parties, and the details of any orders in effect relating to any of these matters, are as follows:

SPOUSAL SUPPORT

[Choose one]

9. ☐ The Plaintiff is claiming spousal support from the Defendant for the following reasons:
- OR
- ☐ The Plaintiff is not claiming spousal support from the Defendant.
- OR
- ☐ The Plaintiff proposes spousal support for the Defendant as follows, for the following reasons:

REMEDY SOUGHT

10. The Plaintiff makes the following claims: *(choose those which apply)*
- ☐ divorce judgment;
 - ☐ custody as proposed above;
 - ☐ access or parenting arrangements as proposed above;
 - ☐ child support as proposed above;
 - ☐ retroactive child support;
 - ☐ support for the Plaintiff;
 - ☐ support for the Defendant;
 - ☐ retroactive spousal support;
 - ☐ a restraining order;
 - ☐ other relief; *(specify any other relief being sought)*
 - ☐ costs.

Statement of Plaintiff

I, _____, the Plaintiff, certify to the Court that I am aware of the following duties imposed on me by sections 7.1 to 7.5 of the *Divorce Act* (Canada):

1. I will exercise any parenting time, decision-making responsibilities or contact with the child(ren) of the marriage in a manner consistent with the best interests of the child(ren).
2. I will protect the child(ren) of the marriage from conflict arising from these legal proceedings, to the best of my ability.
3. I will try to resolve the matters that may be the subject of an order under the Act through a family dispute resolution process, to the extent that it is appropriate to do so.
4. I will provide complete, accurate and up-to-date information if required to do so under the Act.
5. If I am subject to an order made under the Act, I will comply with the order until it is no longer in effect.

DATED on _____

at _____, Alberta.

Signature of Plaintiff

Statement of Lawyer

(where Plaintiff has a lawyer)

I, _____, the lawyer for the Plaintiff, certify to the Court that I have complied with the requirements of section 7.7 of the *Divorce Act* (Canada).

DATED on _____

at _____, Alberta.

Lawyer for the Plaintiff

NOTICE TO THE DEFENDANT

You only have a short time to do something to defend yourself against this claim:

- 20 days if you are served in Alberta
- 1 month if you are served outside Alberta but in Canada
- 2 months if you are served outside Canada

You can respond by filing a Statement of Defence or a Demand for Notice in the office of the clerk of the Court of Queen's Bench at _____, Alberta, AND serving your Statement of Defence or Demand for Notice on the Plaintiff's address for service.

WARNING

If you do not file and serve a Statement of Defence or a Demand for Notice within the time period, you risk losing the ability to have your side heard in the lawsuit. If you do not file, or do not serve, or are late in doing either of these things, a court may grant a Divorce Judgment and other relief to the Plaintiff. In addition, if you do not file and serve a Statement of Defence or a Demand for Notice within the time period, you will not be entitled to receive notice of any further proceedings in this action.

PREVIEW
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