

Form 62.09

20

No.

Supreme Court of Nova Scotia

Between:

Petitioner

and

Respondent

Petition for Divorce

To:

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*:

- ☐ custody (s. 16)
- ☐ access (s. 16)
- ☐ child support (s. 15.1)
- ☐ 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
 - ☐ division of property
 - ☐ 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* for a change of registered name
- ☐ Other:

Grounds for divorce

- ☐ The parties have been living separately since _____ and will have lived separately 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.

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.

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 _____, 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

Custody arrangements

Present arrangements for custody are:

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.

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
- ☐ statement of special or extraordinary expenses
- ☐ statement of expenses
- ☐ statement of child's income and expenses
- ☐ statement of property
- ☐ other

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

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 _____

Signature of petitioner
Print name:

Prothonotary's Certificate

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

Prothonotary