|  |
| --- |
| ONTARIO |
|  |  |  | Court File Number      |
|  | (Name of court) |  |
| **at** |       | Form 36:Affidavit for Divorce |
|  | Court office address |
| Applicant(s) |
| Full legal name & address for service — street & number, municipality, postal code, telephone & fax numbers and e-mail address (if any). |  | Lawyer’s name & address — street & number, municipality, postal code, telephone & fax numbers and e-mail address (if any). |
|       |  |       |
| Respondent(s) |
| Full legal name & address for service — street & number, municipality, postal code, telephone & fax numbers and e-mail address (if any). |  | Lawyer’s name & address — street & number, municipality, postal code, telephone & fax numbers and e-mail address (if any). |
|       |  |       |
| **My name is** *(full legal name)* |       |  |       |
| **I live in** *(municipality & province)* |       |
| **and I swear/affirm that the following is true:** |
| **1.** | I am the applicant in this divorce case. |
| **2.** | There is no chance of a reconciliation between the respondent and me. |
| **3.** | All the information in the application in this case is correct, except: |
|  | (State any corrections or changes to the information in the application. Write “NONE” if there are no corrections or changes.) |
|  |       |
| **4.** | [ ]  | The certificate or registration of my marriage to the respondent has been signed and sealed by the Registrar General of Ontario and: |
|  |  | [ ]  | has been filed with the application. |
|  |  | [ ]  | is attached to this affidavit. |
|  | [ ]  | The certificate of my marriage to the respondent was issued outside Ontario. It is called *(title of certificate)* |
|  |  |       |
|  |  | It was issued at *(place of issue)* |       |
|  |  | on *(date)* |       |
|  |  | by *(name and title of person who issued certificate)* |       |
|  |  | and the information in it about my marriage is correct. |
|  | [ ]  | I have not been able to get a certificate or registration of my marriage. I was married to the respondent on *(date)* |
|  |  |       | at *(place of marriage)* |       |
|  |  | The marriage was performed by *(name and title)* |       |
|  |  | who had the authority to perform marriages in that place. |

|  |  |  |  |
| --- | --- | --- | --- |
| Form 36: | Affidavit for Divorce | (page 2) | Court File Number  |
|  |  |  |
|  |
| **5.** | The legal basis for the divorce is: |
|  | [ ]  | that the respondent and I have been separated for at least one year.  |
|  |  | We separated on *(date)* |       |
|  | [ ]  | Other *(Specify.)* |
|  |       |
| **6.** | I do not know about and I am not involved in any arrangement to make up or to hide evidence or to deceive the court in this divorce case. |
| Strike out the following paragraphs if they do not apply. |
| **7.** | I do not want to make a claim for a division of property in this divorce case, even though I know that it may be legally impossible to make such a claim after the divorce. |
| **8.** | I want the divorce order to include the following paragraph numbers of the attached consent, settlement, separation agreement or previous court order: *(List the numbers of the paragraphs that you want included in the divorce order.)* |
|  |       |
| **9.** | There are *(number)* |       | children of the marriage. They are: |
|  |
| **Full legal name of child** | **Birth date** |
| (d, m, y) |
|       |       |
|       |       |
|       |       |
|       |       |
|       |       |
|       |       |
| **10.** | The parenting arrangements for the child(ren) are as follows: *(Give summary.)* |
|  |       |
| **11.** | These are the arrangements that have been made for the support of the child(ren) of the marriage: |
|  | (a) | The income of the party paying child support is $ |       | per year. |
|  | (b) | The number of children for whom support is supposed to be paid is *(number)* |       |
|  | (c) | The amount of support that should be paid according to the applicable table in the child support guidelines is |
|  |  | $ |       | per month. |
|  | (d) | The amount of child support actually being paid is $ |       | per month. |
|  |  | (**NOTE:** - Where the dollar amounts in clauses [c] and [d] are different, you must fill out the frame on the next page. If the amounts in clauses [c] and [d] are the same, skip the frame and go directly to paragraph 12.) |

| Form 36: | Affidavit for Divorce | (page 3) | Court File Number  |
| --- | --- | --- | --- |
|  |  |  |
|  |
| (Paragraph 11 continued.) |
| Fill out the information in this frame only if the amounts in paragraphs 11(c) and 11(d) are different. If they are the same, go to paragraph 12. |
| a) | Child support is already covered by: |
|  | (i) | [ ]  | a court order dated *(date)* |       | that was made before the |
|  |  | child support guidelines came into effect (before 1 May 1997). I attach a copy of the order. |
|  | (ii) | [ ]  | a domestic contract order dated *(date)* |       | that was made before the |
|  |  | child support guidelines came into effect (before 1 May 1997). I attach a copy of the contract. |
|  | (iii) | [ ]  | a court order or written agreement dated *(date)* |       | made after the |
|  |  | guidelines came into effect that has some direct or indirect benefits for the child(ren). I attach a copy. |
|  | (iv) | [ ]  | a written consent between the parties dated *(date)* |       | agreeing to the payment |
|  |  | of an amount different from that set out in the guidelines. |
| b) | The child support clauses of this order or agreement require payment of $ |       | per |       |  |
|  | in child support. |
| c) | These child support clauses |
|  | [ ]  | are not indexed for any automatic cost-of-living increases. |
|  | [ ]  | are indexed according to *(Give indexing formula.)* |
|  |  |       |
| d) | These child support clauses |
|  | [ ]  | have not been changed since the day the order or agreement was made. |
|  | [ ]  | have been changed on *(Give dates and details of changes.)* |
|  |  |       |
| e) | (If you ticked off box [i] above, you can go to paragraph 12. If you ticked off boxes [ii], [iii] or [iv] above, then fill out the information after box of the corresponding number below. For example, if you ticked off box [iii] above, you would fill out the information alongside box [iii] below.) |
|  | (ii) | [ ]  | The amount being paid under this agreement is a fair and reasonable arrangement for the support of the child(ren) because: *(Give reasons.)* |
|  |  |       |
|  | (iii) | [ ]  | The order or agreement directly or indirectly benefits the child(ren) because: *(Give details or benefits.)* |
|  |  |       |
|  | (iv) | [ ]  | The amount to which the parties have consented is reasonable for the support of the child(ren) because: *(Give reasons.)* |
|  |  |       |

|  |  |  |  |
| --- | --- | --- | --- |
| Form 36: | Affidavit for Divorce | (page 4) | Court File Number  |
|  |  |  |
|  |
| **12.** | I am claiming costs in this case. The details of this claim are as follows: *(Give details.)* |
|  |       |
| **13.** | The respondent’s address last known to me is: *(Give address.)* |
|  |       |
| Put a line through any blank space left on this page. |
| Sworn/Affirmed before me at |       |  |  |  |
|  | municipality |  |  |  |
| in |       |  |  |  |
|  | province, state or country |  |  |  |
| on |       |  |  |  |  | Signature(This form is to be signed in front of a lawyer, justice of the peace, notary public or commissioner for taking affidavits.) |
|  | date |  | Commissioner for taking affidavits |  |  |
|  |  |  | (Type or print name below if signature is illegible.) |  |  |