**FORM I**

**March 2021**

(A summons in conformity with the model established by the Minister of Justice must be attached to the application for divorce)

CANADA

PROVINCE OF QUÉBEC

District of

No.:

SUPERIOR COURT

(Family Chamber)

APPLICANT(S)

and, if appropriate,

DEFENDANT

**APPLICATION FOR DIVORCE**

It is declared that:

**Civil and family status**

1. The spouse was born on (date) at

 , is (age) years old, and is the son or daughter of and as appears from the photocopy of his or her birth certificate, of the copy of his or her act of birth or of the document issued by a competent authority other than the Directeur de l’état civil of Québec numbered Exhibit P-1;

(If the information contained in the photocopy of the birth certificate, the copy of the act of birth or the document issued by a competent authority other than the Directeur de l’état civil of Québec is contested, the original must be filed.)

* 1. At the time of the marriage, the spouse’s civil status was (indicate the civil status)

2. The spouse was born on (date) at

 , is (age) years old, and is the son or daughter of and as appears from the photocopy of his or her birth certificate, of the copy of his or her act of birth or of the document issued by a competent authority other than the Directeur de l’état civil of Québec numbered Exhibit P-1;

(If the information contained in the photocopy of the birth certificate, the copy of the act of birth or the document issued by a competent authority other than the Directeur de l’état civil of Québec is contested, the original must be filed.)

* 1. At the time of the marriage, the spouse’s civil status was (indicate the civil status)

3. The marriage of the parties was solemnized on \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ (date) at \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ (place) as appears from the photocopy of the marriage certificate or the copy of the act of marriage numbered Exhibit P-3;

(If the information contained in the photocopy of the birth certificate, the copy of the act of birth or the document issued by a competent authority other than the Directeur de l’état civil of Québec is contested, the original must be filed)

4. The matrimonial regime they adopted was \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ as appears from a photocopy of the supporting documents numbered as Exhibit P-4);

There has been no change to this regime.

(If changes to the matrimonial regime have occurred, identify them and file a photocopy of the supporting documents)

5. The parties are or are not subject to conditions regarding another party or their child under an order, undertaking or recognizance provided for in the *Criminal Code* (R.S.C. 1985, c. C-46) or under an order set out in article 509 of the *Code of Civil Procedure*.

(A party subject to such conditions must file a notice with the court office and attach a copy of the order, undertaking or recognizance. If those conditions are varied in the course of proceedings, a new notice must be filed with the court office)

5.1 The parties are or are not the subject of a criminal prosecution involving another party or their child pursuant to an application for a protection order under article 509 of the *Code of Civil Procedure*.

(The party that is the subject of a criminal prosecution or an application for a protection order must file a notice with the court office and attach a copy of the indictment or the originating application)

6. The name, age, sex and date of birth of each child of the marriage is:

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
|  | **Family name** | **Given names** | **Age** | **Sex** | **Date of Birth** |
| 1. |  |  |  |  |  |
| 2. |  |  |  |  |  |
| 3. |  |  |  |  |  |
| 4. |  |  |  |  |  |
| 5. |  |  |  |  |  |

The photocopies of the birth certificate, the copy of the act of birth or the document issued by a competent authority other than the Directeur de l’état civil of Québec attesting the birth of each child concerned by the application is numbered Exhibit P-5.

(If the information contained in the photocopy of the birth certificate, the copy of the act of birth or the document issued by a competent authority other than the Directeur de l’état civil of Québec is contested, the original must be filed)

None of the children is the object of a court decision, a case pending before a court or an agreement with the Director of Youth Protection. (If such a decision, proceeding or agreement exists, file a copy of that decision, proceeding, or agreement)

**Residence**

7. The spouse ordinarily resides at \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ (*No.*) \_\_\_\_\_\_\_\_\_\_

\_\_\_\_\_\_\_\_\_\_\_\_\_ (*street*) \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ (*city*) \_\_\_\_\_\_\_\_\_\_\_\_\_\_

\_\_\_\_\_\_\_\_\_\_\_\_\_ (*province*) \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ since\_\_\_\_\_\_\_\_\_\_\_ (*day*) \_\_\_\_\_\_\_\_\_\_\_

\_\_\_\_\_\_\_\_\_\_\_\_\_ (*month*) \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ (*year*) \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

The spouse ordinarily resides at \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ (*No.*) \_\_\_\_\_\_\_\_\_\_

\_\_\_\_\_\_\_\_\_\_\_\_\_ (*street*) \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ (*city*) \_\_\_\_\_\_\_\_\_\_\_\_\_\_

\_\_\_\_\_\_\_\_\_\_\_\_\_ (*province*) \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ since \_\_\_\_\_\_\_\_\_\_\_ (*day*) \_\_\_\_\_\_\_\_\_\_\_

\_\_\_\_\_\_\_\_\_\_\_\_\_ (*month*) \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ (*year*) \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**Reasons**

8. There has been a breakdown of the marriage for the following reasons:

(Provide the particulars of the grounds for divorce as set out in section 8(2) of the *Divorce Act*)

**Reconciliation and mediation**

9. Before this application was signed:

(A) The applicant’s lawyer and/or notary has discussed the possibility of reconciliation and informed the applicant of the available marriage counselling or guidance facilities.

(If not, give reasons)

B) The lawyer and/or notary has informed the applicant as to existing family justice services which may assist in matters that may be the subject of an order and has discussed the advisability of negotiating same.

C) The lawyer and/or notary has informed the applicant of the parties’ obligations under the *Divorce Act*.

**Safeguard and provisional measures (if the application contains conclusions to that effect), corollary measures and other claims**

10. (A) There is an agreement between the parties as to corollary relief, as appears from a copy attached as Exhibit P-6;

or

(B) There is no agreement between the parties as to all safeguard and provisional measures and corollary relief, and

(i) The grounds in support of the conclusions for provisional relief are (enumerate the facts):

(ii) The grounds in support of corollary relief are (enumerate the facts):

**Other proceedings**

11. There have been no other proceedings with respect to the marriage;

(otherwise, give all details and file a certified copy of all previous judgments)

12. There has been no collusion between the parties.

13. (Where the application is based on section 8(2)(*b*)). There has been no condonation or connivance at the act or conduct complained of.

WHEREFORE, may it please this Court to:

ISSUE the following safeguard orders, if applicable:

ISSUE the following provisional orders, if applicable:

PRONOUNCE the divorce of the parties;

ISSUE the following orders of corollary relief (if applicable):

and GRANT the following additional conclusions (if applicable):

(or)

HOMOLOGATE the agreement between the parties and ORDER the parties to conform therewith, \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ costs.

Signed at \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, on

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ 20\_\_\_ \_\_\_\_

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

APPLICANT(S)

**LAWYER OR NOTARY’S DECLARATION**

I, the undersigned lawyer or notary for the applicant(s), hereby certify that I have complied with the requirements of section 7.7 of the *Divorce Act*,

Signed at\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, on \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ 20\_\_\_\_\_\_\_

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Lawyer or notary for the APPLICANT(S)

**APPLICANT’S DECLARATION**

I, the undersigned, certify that I am aware of my obligations pursuant to ss. 7.1 to 7.5 of the *Divorce Act*:

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.

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.

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.

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.

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.

Signed at\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, on \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

20\_\_\_\_\_\_\_

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

APPLICANT

(where appropriate)

**CERTIFICATE OF CLERK**

I, the undersigned, clerk for the District of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, certify that there has been received and filed in court office a divorce application, a certificate of the lawyer and/or notary and (if appropriate) a notice to the defendant as to contestation.

(place and date)

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

CLERK