

Simple divorce application

IMPORTANT: The legal information contained in this sheet is intended to provide general guidance about a simple divorce application. **It is not legal advice and does not replace the advice of a lawyer.**

STEP 1

INTRODUCTION

This document deals only with an **uncontested divorce application** without going to trial and without other claims.

If you are seeking **other orders** (decision-making responsibility for children, child support, division of property, etc.), you must use different forms.

To file for **divorce** in Ontario, one spouse must have lived in Ontario for at least **one year**.

Possible grounds for divorce include **separation**, **adultery**, and **cruelty** (the latter two require proof and may lead to a hearing).

A judge must ensure that **reasonable arrangements** are in place to support the children before making a divorce order. If these arrangements are unsatisfactory, the order may be refused.

For a **divorce application only**, use **Form 8A: Application for Divorce** alone or jointly and you may include a claim for **costs**.

Make sure you have your **original marriage certificate** in English or French. If the certificate is in another language, have a certified translation from a translator accredited by the [Canadian Translators, Terminologists and Interpreters Council](#) and is a member of [Association of Translators and Interpreters of Ontario](#).

Step 2

Fill out the Application

Here are the documents to fill out to start the process:

1. Cover page of the **Continuing Record**: This is the first page of court file.

Representation: You can **represent yourself** in court or **hire a lawyer**.

Parties: You are the **applicant** The **respondent** is the person you bring to court, the ex-partner.

You can use the [Guide to Procedures](#) prepared by the Ministry of the Attorney General to help with the process and to complete the forms.

Forms: Court forms can be found [here](#).

Forms : **Continuing Record forms** can be found [here](#).

Court Address: The court's contact information is available [here](#).

Get help filling out forms if you do not have a lawyer

- Visit a [Family Law Information Centre \(FLIC\)](#).
- Use the [Family Law Guided Pathways](#).
- Visit the [Steps to Justice](#).

2. **Table of Contents:** updated each time a document is added. The application is the first document listed, with its date of signature and filing.
3. Form **8A: Application for Divorce:** Complete only the relevant sections if you are only asking for a divorce. Make a copy of the signed application.

Step 3

Filing the Application

Once your application is ready, file it with your **marriage certificate**, either **in person**, **online**, or **by mail** at the Superior Court of Justice or the Family Court of the Superior Court of Justice.

Note: Court's **fees** apply, but you may request a **fee waiver** if you cannot afford to pay them.

Online

Yes, by first creating a **My Ontario account**. After filing, you will receive a **stamped and dated copy** by email, which must then be served on the other party.

In person

File at the court office. Bring **multiple copies** (for the court, yourself, and the other party) along with the Continuous Record cover page and table of contents. If you want the order mailed to you, include two stamped envelopes (one addressed to you, one to your former spouse). Complete the **Registration application** if filing in person.

The clerk will assign a file number, open the record, and affix the court seal. The original is kept by the court, and you will receive stamped copies to serve on the other party.

By mail

Same process as in person. However, you don't have to complete the **Registration application**.

STEP 4

Serving documents

Your **application** must be served on your ex-partner (the respondent) by **special service**, which means that you cannot serve the documents yourself. Service must be made by another adult who is **at least 18 years old**, such as a friend, family member, or process server. All the **methods of serving documents** and their **specific rules** are described **here**.

STEP 5

Proof of Service of Application

The person who served the Application must then complete Form **6B – Affidavit of Service** signed before a [commissioner for taking affidavits](#). Then, file it in the Continuous record at the courthouse.

STEP 6

After serving the Application

After serving the former partner, he or she has **30 days** after service to respond by preparing Form **10 – Answer** if he or she lives in Canada or the United States, and **60 days** if he or she lives outside Canada.

If no response

You may proceed on an **uncontested basis** by filing a **signed Form 36: Affidavit of Divorce** signed before a [commissioner for taking affidavits](#) with your **marriage certificate**, if not already filed. Also prepare a draft of Form **25A: Divorce Order** for the judge to sign. Once the documents are filed, the clerk will send them to the judge to verify your eligibility.

A divorce order takes effect **31 days** after issuance. You may then request, for a fee, apply for a **divorce certificate** by filling out Form **36B: Certificate of Divorce**, required if you want to remarry.

There is a response

You will receive Form **10 – Answer**, which includes the respondent's claims. Depending on the request, you may also be served with other documents. This is a **contested divorce**. You must follow the court process to resolve issues, either by agreement or trial.

The **Ontario Legal Information Centre** provides free confidential legal information and referral services to persons whose legal issue is in Ontario. The Centre offers services in French and in English. **Make an appointment online or call us at 1-844-343-7462 (toll-free).**



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