



# Starting a Family Court Application

**IMPORTANT:** This information is intended to provide you with the basic procedural steps needed to begin an application at the Family Court. Other steps and paperwork will be needed as the case progresses. **This information is not intended to be legal advice nor to replace legal advice that you can obtain from a lawyer.**

## STEP 1

### Fill out your application

To start a case in Family Court, you must file an application (form **8A** or **8**) with the courthouse.

Your application is the backbone of your case: it sets out the issues you are asking the judge to decide and includes a summary of the facts that support your requests.

### Which form should I choose?

If you are married and are only asking for a divorce, you must fill out form **8A – Application (Divorce)**.

If you are not married or are asking for a divorce and accessory measures (i.e. parenting time, support) you must fill out form **8 – Application (General)**.

### Other required forms

Depending on the nature of your requests, other forms will be required to file at the Family Court alongside the application (see yellow box).

It is recommended to have lawyer review your forms to ensure that they are complete before filing them at the Family Court.

## Forms

**Family Court forms can be found [here](#).**

The forms needed to add to your application (form **8A** or **8**) vary depending on the issues of your case.

To fill out your forms, you can use the [Family Law Guided Pathways](#) from Steps to Justice.

### Financial

You will need to complete a financial statement if your case involves financial questions such as:

- Child support
- Spousal support
- Dividing property and debts
- Equalization of net family property

If you are only making support claims, use form **13 – Financial Statement (Support Claims)**.

If you are making a claim involving property, whether it be alongside a claim for support or not, use form **13.1 – Financial Statement (Property and Support Claims)**.

When completing the financial statement, you are required to attach your Canada Revenue Agency income tax returns and a copy of your Notices of Assessment for the last 3 years. You can obtain an Income and Deductions printout from [My Account](#) on the Canada Revenue Agency website.

If you are requesting support, you may also have to fill out the following two forms:

- [Support Deduction Order](#)
- [Support Deduction Order Information Form](#)

### Children

If you are asking the Family Court to make orders relating to children such as decision-making responsibility and parenting time, you must also prepare form **35.1 – Affidavit (decision-making responsibility, parenting time, contact)**.

If a Children's Aid Society has been involved with you or your family, you must also prepare form **35.1A – Affidavit (child protection information)**.

Once you are satisfied of the contents of your forms, you must sign and date them. Certain forms must be signed and dated with a commissioner for taking affidavits. You can usually find a commissioner for taking affidavits at the courthouse or at city hall.

## STEP 2

### Get your application issued by the court

Once your forms are signed, you must send them to the Family Court.

#### Online

If you would like to proceed with online filing, all your signed and dated forms must be in PDF before submitting them. You can submit your forms on **Justice Services Online** through your [My Ontario](#) account.

In some areas, it is also possible to submit your forms by sending them to the courthouse's **Family Law Counter** email address.

#### In person

You can also submit your application in person. You must bring **3 copies of all your forms** to the courthouse's Family Law Counter:

- one copy for the Family Court
- one copy for the other party (i.e. your former spouse)
- one copy for yourself.

#### What happens next

Next, the court clerk will **issue** your forms. This means that they will assign a file number to your application, your family court file will be opened, and they will stamp your application with an official seal. The clerk may also set the **first court appearance** date and write it on the front of your application. When required, you will be given documents **8.01 – Automatic Order** and **Mandatory Information Program (MIP) Notices**. If you used the online services, you will receive everything by email.

## STEP 3

### Serve your forms to your ex-partner

One copy of all your forms, including the documents given by the court clerk, must then be served on your ex-partner by **special service**. In other words, you must provide your ex-partner with your forms according to specific rules. This means that a person other than yourself must deliver the forms to your ex-partner.

A person other than yourself must deliver the forms to your ex-partner's place of residence and leave them with him or her, or with an adult living at the same address. You can ask a person of at least 18 years of age (friend, family member, etc.) or hire a process server to serve the documents.

Another way to serve your forms is, if your ex-partner has a lawyer, you can ask the lawyer if they will accept the service of documents.

All manners of service for Family Court are described further [here](#).

**Please note:** As your case progresses, the additional forms to be filed will not need to be served by special service. You can then serve the documents, for example, by email or by regular mail.

If living in Canada, your ex-partner normally has 30 days from the date they were served to respond to your application by preparing form **10 – Answer**.

## STEP 4

### File your proof of service

The person who served the documents must then complete form **6B – Affidavit of Service** and sign it in front of a commissioner for taking affidavits.

Once completed, the affidavit must be filed at the courthouse. This confirms that your ex-partner has been served with all the forms. All documents can be submitted either online or in person (see Step 2).

## STEP 5

### After filing

You are usually required to attend a **Mandatory Information Program (MIP)** before your first court appearance. The court clerk schedules the MIP date and time when you first file your forms.

The **first appearance** is typically in front of a clerk who will make sure that all the forms in your court file are in order.

In some cases when the application is issued, instead of a first appearance the clerk immediately schedules a **case conference** by giving you form **17 – Conference Notice**.

It is very important to serve your ex-partner with your financial disclosure as soon as possible. Doing so will make your case progress and avoid delays. Once your full financial disclosure is served, you must complete form **13A – Certificate of Financial Disclosure**, serve it to your ex-partner, and file it with the court.

As your case progresses there will be more forms and documents for you to complete, file and serve. Failure to do so may delay your case or cause it to be dismissed.

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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