

DIVORCE/SEPARATION COURT FORMS

FORM 8



BARNETT LAW

DISCLAIMER

1. This guide does not replace or substitute legal advice. This guide explains how to complete court forms for self-represented individuals.

2. You may choose to hire a lawyer on a limited scope (partial services) to get legal advice on your rights and responsibilities.

AUTHOR

ATHENA NARSINGH BARNETT is the founder of Barnett Law. She has been graduated from the University of Ottawa in 2016, and started her own firm in 2018, focusing on Family Law and Immigration Law. Athena worked with clients of diverse backgrounds: social, economic and ethnic, and realized that with the cost of living, hiring legal services is not affordable. Athena created this guide to help individuals confidently represent themselves in court.

ACKNOWLEDGEMENT

I am indebted to my child who showed me there is so much to always love about life.

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HOW TO USE THIS GUIDE

1. Open or print this guide along side the Word document for the court Form 8.

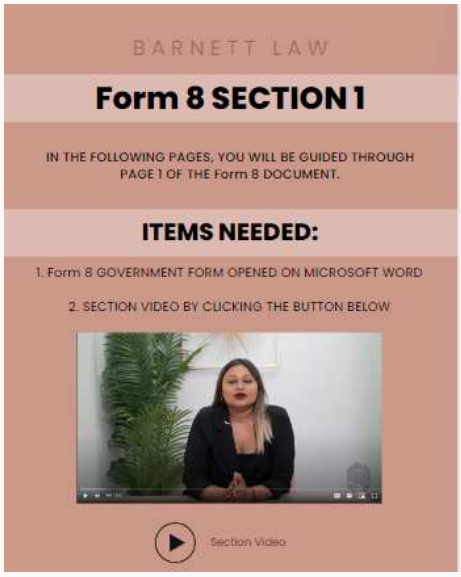
2. Form 8 has 8 pages. Look at page 1 on the Word document Form 8 and look at SECTION 1 of this guide. As seen below.

3. Each page on the Word document matches the section on this guide.

Word Page of Form 8 - Page 01



Section 01 of this Guide



Video to Explain How to Fill out Form

Section Video

BARNETT LAW

Form 8 Section 1

IN THE FOLLOWING PAGES, YOU WILL BE GUIDED THROUGH PAGE 1 OF THE FORM 8 GOVERNMENT FORM.

ITEMS NEEDED:

1. FORM 8 GOVERNMENT FORM OPENED ON MICROSOFT WORD

2. SECTION VIDEO BY CLICKING THE BUTTON BELOW



Section Video

The name of the court will either be Superior court of Justice or Ontario Court of Justice. The address of the court house will be in your locality or if you have children, where the children reside.

ONTARIO

(Name of court)

Court office address

Court File Number

Form 8: Application (General)

You are not going to get a court file right now. When you file your application, the court will then give you the file number.

You will be the applicant because you are starting the case. Be sure to add all your relevant details here.

Applicant(s)

Full legal name:	
Address:	
Phone & fax:	
Email:	

Applicant(s) Lawyer

Name:	
Address:	
Phone & fax:	
Email:	

Respondent(s)

Full legal name:	
Address:	
Phone & fax:	
Email:	

Respondent(s) Lawyer

Name:	
Address:	
Phone & fax:	
Email:	

The other party will be the respondent. Add their relevant information here. If you don't know the information of the respondent, whatever information you do have, you can include it.

A COURT CASE HAS BEEN STARTED AGAINST YOU IN THIS COURT. THE DETAILS ARE SET OUT ON THE ATTACHED PAGES.

☐ **THE FIRST COURT DATE IS** *(date)* _____ **AT** _____ ☐ **a.m.** ☐ **p.m.**
or as soon as possible after that time, at: *(address)*

You will not write the date here, the court clerk will write one in, depending on the court house. Sometimes the courts will issue a date right away, and other times, you have to apply for a date.

NOTE: *If this is a divorce case, no date will be set unless an Answer is filed. If you have also been served with a notice of motion, there may be an earlier court date and you or your lawyer should come to court for the motion.*

☐ **THIS CASE IS ON THE FAST TRACK OF THE CASE MANAGEMENT SYSTEM.** A case management judge will be assigned by the time this case first comes before a judge.

☐ **THIS CASE IS ON THE STANDARD TRACK OF THE CASE MANAGEMENT SYSTEM. No court date has been set for this case** but, if you have been served with a notice of motion, it has a court date and you or your lawyer should come to court for the motion. A case management judge will not be assigned until one of the parties asks the clerk of the court to schedule a case conference or until a motion is scheduled, whichever comes first.

You will know which track applies to you. Typically, it is the standard track, and you can just check that off.

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Form 8 Section 2

IN THE FOLLOWING PAGES, YOU WILL BE GUIDED THROUGH PAGE 2 OF THE FORM 8 GOVERNMENT FORM.

ITEMS NEEDED:

1. FORM 8 GOVERNMENT FORM OPENED ON MICROSOFT WORD

2. SECTION VIDEO BY CLICKING THE BUTTON BELOW



Section Video

Court File Number

Check the box of the paragraph that applies to your case

☐ This case includes a claim for support. It does not include a claim for property or exclusive possession of the matrimonial home and its contents. You **MUST** fill out a Financial Statement (Form 13 – a blank copy attached), serve a copy on the applicant(s) and file a copy in the court office with an Affidavit of Service even if you do not answer this case.

☐ This case includes a claim for property or exclusive possession of the matrimonial home and its contents. You **MUST** fill out a Financial Statement (Form 13.1 – a blank copy attached), serve a copy on the applicant(s) and file a copy in the court office with an Affidavit of Service even if you do not answer this case.

This page is informational. The first part is letting you know whether or not you should fill out a financial statement. In Form 13, you are going to use that if you are making a claim for child or spousal support, and you are not married, or you are currently not making a claim for property division.

The other form is the 13.1. You will use this form if you are married and seeking property division as well as the other support.

IF YOU WANT TO MAKE A CLAIM OF YOUR OWN, you or your lawyer must fill out the claim portion in the Answer, serve a copy on the applicant(s) and file a copy in the court office with an Affidavit of Service.

- If you want to make a claim for support but do not want to make a claim for property or exclusive possession of the matrimonial home and its contents, you **MUST** fill out a Financial Statement (Form 13), serve a copy on the applicant(s) and file a copy in the court office.
- However, if your only claim for support is for child support in the table amount specified under the Child Support Guidelines, you do not need to fill out, serve or file a Financial Statement.
- If you want to make a claim for property or exclusive possession of the matrimonial home and its contents, whether or not it includes a claim for support, you **MUST** fill out a Financial Statement (Form 13.1, not Form 13), serve a copy on the applicant(s), and file a copy in the court office.

You can file documents in person at a courthouse or online by visiting www.Ontario.ca/familyclaims.

This section is for the Respondent. The Respondent will be able to make a claim of their own if they choose so. The details outlined are just letting them know how to do so.

You can file documents in person at a courthouse or online by visiting www.Ontario.ca/familyclaims.

YOU SHOULD GET LEGAL ADVICE ABOUT THIS CASE RIGHT AWAY. If you cannot afford a lawyer, you may be able to get help from your local Legal Aid Ontario office. *(See your telephone directory under LEGAL AID.)*

Date of issue *Clerk of the court*

The court clerk will sign and date the application when they are ready to issue it. The courts are now ssuing these electronically so you will not see the actual signature on that page there, it will be on a different page.

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Form 8 Section 3

IN THE FOLLOWING PAGES, YOU WILL BE GUIDED THROUGH PAGE 3 OF THE FORM 8 GOVERNMENT FORM.

ITEMS NEEDED:

1. FORM 8 GOVERNMENT FORM OPENED ON MICROSOFT WORD

2. SECTION VIDEO BY CLICKING THE BUTTON BELOW



Section Video

Court file number

FAMILY HISTORY

APPLICANT: Age: _____ Birthdate: *(d, m, y)* _____

Resident in *(municipality & province)* _____ since *(date)* _____

First name on the day before the marriage date: _____

Last name on the day before the marriage date: _____

Gender on the day before the marriage date:

☐ Male ☐ Female ☐ Another gender

Divorced before? ☐ No ☐ Yes *(Place and date of previous divorce)*

This section is the family history and you have to accurately fill out this information. There is also a section of previous divorces. If you have been previously divorced, you are going to have to provide a copy of that divorce order even if it's foreign marriage or divorce.

RESPONDENT: Age: _____ Birthdate: *(d, m, y)* _____

Resident in *(municipality & province)* _____ since *(date)* _____

First name on the day before the marriage date: _____

Last name on the day before the marriage date: _____

Gender on the day before the marriage date:

If you don't know the details of the other party, you can just put unknown. They will be able to fill it out when they respond to the court documents.

RELATIONSHIP DATES:

☐ Married on *(date)* _____ ☐ Started living together on *(date)* _____

☐ Separated on *(date)* _____ ☐ Never lived together ☐ Still living together

In this section, you will start putting the date you started living together, the date of marriage, the date of separation or whether or not you lived together or currently still live together. It is important to put the exact date. You might not have the exact date so the best closest possible is ideal.

THE CHILD(REN)

List all children involved in this case, even if no claim is made for these children.

Full legal name	**Age**	**Birthdate** *(d, m, y)*	**Resident in** *(municipality & province)*	**Now Living With** *(name of person and relationship to child)*

You will list all the children involved in this case even if you are not making a claim for them. Even if they are adult children, you must still put the information here.

PREVIOUS CASES OR AGREEMENTS

Have the parties or the children been in a court case before?

☐ No ☐ Yes

Have the parties made a written agreement dealing with any matter involved in this case?

☐ No ☐ Yes *(Give date of agreement. Indicate which of its terms are in dispute.)*

You may have agreements from a previous case or you may have done a separation agreement or a prenuptial agreement (marriage contract) or a cohabitation agreement. Any agreements you have done, you can include that in this court document to explain what date the agreement was signed and what type of agreement it is.

If it is a previous court case, you can put the court date and when the order was issued. You can always have a copy of the order and the agreement attached to this court document when you are filing.

THE CHILD(REN)

List all children involved in this case, even if no claim is made for these children.

Full legal name	**Age**	**Birthdate** *(d, m, y)*	**Resident in** *(municipality & province)*	**Now Living With** *(name of person and relationship to child)*

You will list all the children involved in this case even if you are not making a claim for them. Even if they are adult children, you must still put the information here.

PREVIOUS CASES OR AGREEMENTS

Have the parties or the children been in a court case before?

☐ No ☐ Yes

Have the parties made a written agreement dealing with any matter involved in this case?

☐ No ☐ Yes *(Give date of agreement. Indicate which of its terms are in dispute.)*

You may have agreements from a previous case or you may have done a separation agreement or a prenuptial agreement (marriage contract) or a cohabitation agreement. Any agreements you have done, you can include that in this court document to explain what date the agreement was signed and what type of agreement it is.

If it is a previous court case, you can put the court date and when the order was issued. You can always have a copy of the order and the agreement attached to this court document when you are filing.

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Form 8 Section 4

IN THE FOLLOWING PAGES, YOU WILL BE GUIDED THROUGH PAGE 4 OF THE FORM 8 GOVERNMENT FORM.

ITEMS NEEDED:

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2. SECTION VIDEO BY CLICKING THE BUTTON BELOW



Section Video

Court file number

Has a Notice of Calculation and/or a Notice of Recalculation been issued by the online Child Support Service in this case?

☐ No ☐ Yes *(Give date(s) of Notice(s) of Calculation or Recalculation.)*

This is for calculation or recalculation of child support. You will know whether this is applicable to you or not.

Have the parties arbitrated or agreed to arbitrate any matter involved in this case?

☐ No ☐ Yes *(Give date of agreement and family arbitration award, if any.)*

If there has been an arbitration, you will put the date and also attach a copy of it. It is important to know if somethings already been established or any sort of orders have already been established so that the court can determine whether or not they should make an amendment to it or they should comply with that order.

CLAIM BY APPLICANT

I ASK THE COURT FOR THE FOLLOWING:

(Claims below include claims for temporary orders.)

Claims under the *Divorce Act* *(Check boxes in this column only if you are asking for a divorce and your case is in the Superior Court of Justice or Family Court of the Superior Court of Justice.)*	**Claims under the *Family Law Act* or *Children's Law Reform Act***	**Claims relating to property** *(Check boxes in this column only if your case is in the Superior Court of Justice or Family Court of the Superior Court of Justice.)*
00 ☐ a divorce 01 ☐ support for me 02 ☐ support for child(ren) – table amount 03 ☐ support for child(ren) – other than table amount 04 ☐ decision-making responsibility for child(ren) 05 ☐ parenting time with child(ren) 06 ☐ contact with child(ren) (*this requires court leave*)	10 ☐ support for me 11 ☐ support for child(ren) – table amount 12 ☐ support for child(ren) – other than table amount 13 ☐ decision-making responsibility for child(ren) 14 ☐ parenting time with child(ren) 15 ☐ restraining/non-harassment order 16 ☐ indexing spousal support 17 ☐ declaration of parentage 18 ☐ guardianship over child's property 19 ☐ contact with child(ren) (*this does not require court leave*) 20 ☐ wrongful removal to or retention of child(ren) in Ontario involving a country outside Canada under the Convention on the Civil Aspects of International Child Abduction 21 ☐ wrongful removal to or retention of child(ren) in Ontario involving a country outside Canada **NOT** under the Convention on the Civil Aspects of International Child Abduction	22 ☐ equalization of net family properties 23 ☐ exclusive possession of matrimonial home 24 ☐ exclusive possession of contents of matrimonial home 25 ☐ freezing assets 26 ☐ sale of family property

It is important to make all claims in the beginning even if you are not pursuing them.

If you are n the Superior Court of Justice, you can use any of these columns.

If you are only in the Ontario Court of Justice, you can only use this middle column.

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Form 8 Section 5

IN THE FOLLOWING PAGES, YOU WILL BE GUIDED THROUGH PAGE 5 OF THE FORM 8 GOVERNMENT FORM.

ITEMS NEEDED:

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Section Video

Court File Number

Other claims	
30 ☐ Costs 31 ☐ annulment of marriage 32 ☐ prejudgment interest 33 ☐ claims relating to a family arbitration	50 ☐ Other *(Specify.)*

For cost and prejudgment interest, check the box off as making a claim later will be difficult.

In the Other Section, you can make a claim for anything that is not on these charts.

IMPORTANT FACTS SUPPORTING MY CLAIM FOR DIVORCE

☐ **Separation:** The spouses have lived separate and apart since *(date)* _____ and

☐ have not lived together again since that date in an unsuccessful attempt to reconcile.

☐ have lived together again during the following period(s) in an unsuccessful attempt to reconcile: *(Give dates.)*

These are your claims for divorce, and there are three grounds for divorce. The first one is separation, and you have to fulfill a separation period of a year. You will put your date of separation. When you are filing this court application, even if you haven't been separated for an entire year, still put that date because then you will be eligible to file for your divorce after the divorce has passed. You can sometimes be living in the same home but separate (ie. different bedrooms, do not eat together or go out together). Keep evidence of your separation, such as text messages, tax filings, etc.

☐ **Adultery:** The respondent has committed adultery. *(Give details. It is not necessary to name any other person involved but, if you do name the other person, then you must serve this application on the other person.)*

☐ **Cruelty:** The respondent has treated the applicant with physical or mental cruelty of such a kind as to make continued cohabitation intolerable. *(Give details.)*

The other grounds are adultery and cruelty. This is if you have been abused or someone has cheated. Usually people don't check off cruelty because of the lack of evidence or documentation, but if you want to check this box off, you can still do that.

IMPORTANT FACTS SUPPORTING MY OTHER CLAIM(S)

(Set out below the facts that form the legal basis for your other claim(s). Attach an additional page if you need more space.)

These are all the other claims except for divorce that are in your application. It is very important to be clear, concise, and organized in this section. You will describe why you are looking for all the claims you are looking for in a very organized manner so that the judge can follow you.

Use headings, subheadings, underline things, italicize things, use numbered paragraphs, and do double-spacing so that the judge can easily read your form.

Start off with a background. If you do a subheading for background, do it in italics. Number all the different facts you will state about your background. You don't have to be very specific in the application because you will have an opportunity to be more specific through case conferences or motion materials.

Make sure to touch base on every single topic you want to talk about so that you can elaborate on it later on. If you miss a topic here, you will not be able to bring it on later in the forms.

Always state what order you are looking for from a certain piece of information.

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Form 8 Section 6

IN THE FOLLOWING PAGES, YOU WILL BE GUIDED THROUGH PAGE 6 OF THE FORM 8 GOVERNMENT FORM.

ITEMS NEEDED:

1. FORM 8 GOVERNMENT FORM OPENED ON MICROSOFT WORD

2. SECTION VIDEO BY CLICKING THE BUTTON BELOW



Section Video

Court File Number

APPLICANT'S CERTIFICATE

(Your lawyer, if you are represented, must complete the Lawyer's Certificate below.)

Sections 7.1 to 7.5 of the *Divorce Act* and section 33.1 of the *Children's Law Reform Act* require you and the other party to:

- Exercise your decision-making responsibility, parenting time, or contact with a child in a manner that is consistent with the child's best interests;
- Protect the child from conflict arising from this case, to the best of your ability;
- Try to resolve your family law issues by using out-of-court dispute resolution options, if it is appropriate in your case (*for more information on dispute resolution options available to you, including court-connected mediation, you can visit the Ministry of the Attorney General's website or www.stepstojustice.ca*);
- Provide complete, accurate, and up-to-date information in this case; and
- Comply with any orders made in this case.

I certify that I am aware of these duties under the *Divorce Act* and the *Children's Law Reform Act*.

Date of signature *Applicant's signature*

Sign and date this declaration here. Your applications typically should be dated 30 days before filing with the court and should be served within 60 days of getting a court clerk's signature. This is not a hard rule, but it is general practice.

LAWYER'S CERTIFICATE

My name is: .....

and I am the applicant's lawyer in this case. I certify that I have complied with the requirements of section 7.7 of the *Divorce Act* and section 33.2 of the *Children's Law Reform Act* regarding reconciliation and the duty to discuss and inform.

Date *Lawyer's signature*

If you have a lawyer, they will sign this part to confirm they have explored other options with you about reconciling with your partner before initiating a divorce.

SAMPLE

PARTIES:

Applicant: Maria Garcia Alvarez (pronouns she/her)
Employment: Director of Finance, ABC Investments, Toronto, Ontario

Respondent: Marvin Singh (pronouns he/him)
Employment: Self-employed as an Electrician at unincorporated company called Lights Lighting. Sole proprietor.

Children

Evan Singh (pronouns, they/them), born May 4, 2014
Camila Singh (pronouns, she/her), born March 7, 2016

Background

- Date of cohabitation: January 1, 2007
- Date of marriage: August 1, 2010
- Date of separation: September 15, 2023, living under the same roof, but living separate lives
- Marvin physically moved out December 1, 2023

ONTARIO

Court File Number

[SEAL] .....
(Name of court)

at 150 Bond Street E, Oshawa, Ontario
Court office address

Form 8: Application (General)

Applicant(s)

Full legal name:	Marcia Garcia Alvarez
Address:	*123 House Lane, Whitby, Ontario L1T 3R4*
Phone & fax:	T: 416-123-4567
Email:	E: mgarciaalvarez@outlook.com

Applicant(s) Lawyer

Name:	
Address:	
Phone & fax:	
Email:	

Respondent(s)

Full legal name:	Marvin Singh
Address:	*unknown*
Phone & fax:	T: 289-123-4578
Email:	E: marvinsingh@gmail.com

Respondent(s) Lawyer

Name:	
Address:	
Phone & fax:	
Email:	

TO THE RESPONDENT(S):

A COURT CASE HAS BEEN STARTED AGAINST YOU IN THIS COURT. THE DETAILS ARE SET OUT ON THE ATTACHED PAGES.

☐ **THE FIRST COURT DATE IS** *(date)* ..... **AT** ..... ☐ **a.m.** ☐ **p.m.**
or as soon as possible after that time, at: *(address)*

NOTE: *If this is a divorce case, no date will be set unless an Answer is filed. If you have also been served with a notice of motion, there may be an earlier court date and you or your lawyer should come to court for the motion.*

☐ **THIS CASE IS ON THE FAST TRACK OF THE CASE MANAGEMENT SYSTEM.** A case management judge will be assigned by the time this case first comes before a judge.

☐ **THIS CASE IS ON THE STANDARD TRACK OF THE CASE MANAGEMENT SYSTEM. No court date has been set for this case** but, if you have been served with a notice of motion, it has a court date and you or your lawyer should come to court for the motion. A case management judge will not be assigned until one of the parties asks the clerk of the court to schedule a case conference or until a motion is scheduled, whichever comes first.

IF, AFTER 365 DAYS, THE CASE HAS NOT BEEN SCHEDULED FOR TRIAL, the clerk of the court will send out a warning that the case will be dismissed within 60 days unless the parties file proof that the case has been settled or one of the parties asks for a case or a settlement conference.

IF YOU WANT TO OPPOSE ANY CLAIM IN THIS CASE, you or your lawyer must prepare an Answer (Form 10 – a blank copy should be attached), serve a copy on the applicant(s) and file a copy in the court office with an Affidavit of Service (Form 6B). **YOU HAVE ONLY 30 DAYS AFTER THIS APPLICATION IS SERVED ON YOU (60 DAYS IF THIS APPLICATION IS SERVED ON YOU OUTSIDE CANADA OR THE UNITED STATES) TO SERVE AND FILE AN ANSWER. IF YOU DO NOT, THE CASE WILL GO AHEAD WITHOUT YOU AND THE COURT MAY MAKE AN ORDER AND ENFORCE IT AGAINST YOU.**

Court File Number

Check the box of the paragraph that applies to your case

☐ This case includes a claim for support. It does not include a claim for property or exclusive possession of the matrimonial home and its contents. You **MUST** fill out a Financial Statement (Form 13 – a blank copy attached), serve a copy on the applicant(s) and file a copy in the court office with an Affidavit of Service even if you do not answer this case.

☐ This case includes a claim for property or exclusive possession of the matrimonial home and its contents. You **MUST** fill out a Financial Statement (Form 13.1 – a blank copy attached), serve a copy on the applicant(s) and file a copy in the court office with an Affidavit of Service even if you do not answer this case.

IF YOU WANT TO MAKE A CLAIM OF YOUR OWN, you or your lawyer must fill out the claim portion in the Answer, serve a copy on the applicant(s) and file a copy in the court office with an Affidavit of Service.

- If you want to make a claim for support but do not want to make a claim for property or exclusive possession of the matrimonial home and its contents, you **MUST** fill out a Financial Statement (Form 13), serve a copy on the applicant(s) and file a copy in the court office.
- However, if your only claim for support is for child support in the table amount specified under the Child Support Guidelines, you do not need to fill out, serve or file a Financial Statement.
- If you want to make a claim for property or exclusive possession of the matrimonial home and its contents, whether or not it includes a claim for support, you **MUST** fill out a Financial Statement (Form 13.1, not Form 13), serve a copy on the applicant(s), and file a copy in the court office.

You can file documents in person at a courthouse or online by visiting www.Ontario.ca/familyclaims.

YOU SHOULD GET LEGAL ADVICE ABOUT THIS CASE RIGHT AWAY. If you cannot afford a lawyer, you may be able to get help from your local Legal Aid Ontario office. *(See your telephone directory under LEGAL AID.)*

Date of issue

Clerk of the court

FAMILY HISTORY

APPLICANT: Age: 47 Birthdate: *(d, m, y)* 02,13,1976

Resident in *(municipality & province)* Whitby, Ontario since *(date)* birth

First name on the day before the marriage date: Marcia

Last name on the day before the marriage date: Garcia Alvarez

Gender on the day before the marriage date:

☐ Male ☒ Female ☐ Another gender

Divorced before? ☐ No ☒ Yes *(Place and date of previous divorce)*

Toronto, Ontario, Canada, January 31, 2002

RESPONDENT: Age: 47 Birthdate: *(d, m, y)* 03,03,1976

Resident in *(municipality & province)* unknown since *(date)* birth

First name on the day before the marriage date: Marvin

Last name on the day before the marriage date: Singh

Gender on the day before the marriage date:

☒ Male ☐ Female ☐ Another gender ☐ Gender information not available

Divorced before? ☒ No ☐ Yes *(Place and date of previous divorce)*

RELATIONSHIP DATES:

☒ Married on *(date)* August 1, 2010 ☒ Started living together on *(date)* January 1, 2007

☒ Separated on *(date)* September 15, 2023 ☐ Never lived together ☐ Still living together

THE CHILD(REN)

List all children involved in this case, even if no claim is made for these children.

Full legal name	Age	Birthdate *(d, m, y)*	Resident in *(municipality & province)*	Now Living With *(name of person and relationship to child)*
Camila Singh	9	04,05,2014	Whitby, Ontario	Marcia Garcia Alvarez - mother
Evan Singh	7	07,03,2016	Whitby, Ontario	Marcia Garcia Alvarez - mother

PREVIOUS CASES OR AGREEMENTS

Have the parties or the children been in a court case before?

☒ No ☐ Yes

Have the parties made a written agreement dealing with any matter involved in this case?

☒ No ☐ Yes *(Give date of agreement. Indicate which of its terms are in dispute.)*

Court file number

Has a Notice of Calculation and/or a Notice of Recalculation been issued by the online Child Support Service in this case?

☐ No ☐ Yes *(Give date(s) of Notice(s) of Calculation or Recalculation.)*

If yes, are you asking the court to make an order for child support that is different from the amount set out in the Notice?

☐ No ☐ Yes *(Provide an explanation.)*

Have the parties arbitrated or agreed to arbitrate any matter involved in this case?

☐ No ☐ Yes *(Give date of agreement and family arbitration award, if any.)*

CLAIM BY APPLICANT

I ASK THE COURT FOR THE FOLLOWING:

(Claims below include claims for temporary orders.)

Claims under the *Divorce Act* *(Check boxes in this column only if you are asking for a divorce and your case is in the Superior Court of Justice or Family Court of the Superior Court of Justice.)*	Claims under the *Family Law Act* or *Children's Law Reform Act*	Claims relating to property *(Check boxes in this column only if your case is in the Superior Court of Justice or Family Court of the Superior Court of Justice.)*
00 ☐ a divorce 01 ☐ support for me 02 ☐ support for child(ren) – table amount 03 ☐ support for child(ren) – other than table amount 04 ☐ decision-making responsibility for child(ren) 05 ☐ parenting time with child(ren) 06 ☐ contact with child(ren) *(this requires court leave)*	10 ☐ support for me 11 ☐ support for child(ren) – table amount 12 ☐ support for child(ren) – other than table amount 13 ☐ decision-making responsibility for child(ren) 14 ☐ parenting time with child(ren) 15 ☐ restraining/non-harassment order 16 ☐ indexing spousal support 17 ☐ declaration of parentage 18 ☐ guardianship over child's property 19 ☐ contact with child(ren) *(this does not require court leave)* 20 ☐ wrongful removal to or retention of child(ren) in Ontario involving a country outside Canada under the Convention on the Civil Aspects of International Child Abduction 21 ☐ wrongful removal to or retention of child(ren) in Ontario involving a country outside Canada **NOT** under the Convention on the Civil Aspects of International Child Abduction	22 ☐ equalization of net family properties 23 ☐ exclusive possession of matrimonial home 24 ☐ exclusive possession of contents of matrimonial home 25 ☐ freezing assets 26 ☐ sale of family property

Court File Number

Other claims

30 ☒ Costs
31 ☐ annulment of marriage
32 ☐ prejudgment interest
33 ☐

claims relating to a family arbitration

50 ☒ Other *(Specify.)*

An Order to apply and renew the childrens' legal documents without the consent of the Respondent.

An Order to travel with the children without the Respondent's signature and consent.

An Order to change the children's surname to Alvarez-Singh.

Give details of the order that you want the court to make. *(Include any amounts of support (if known) and the names of the children for whom you are claiming decision-making responsibility, parenting time, or contact in this case.)*

1. An Order for sole decision-making Camila Singh, born May 4, 2014 and Evan Singh, born on March 7, 2016 ("children").

2. An Order for primary residency with the children with the Applicant.

3. An Order for spousal support for the Applicant.

4. An Order for child support for the children in accordance with the Child Support Guidelines and section 7 expenses.

5. An Order for a parenting schedule for the children and the Respondent.

6. An Order for guardianship over the property for the children, including RESP and savings.

7. An Order for equalization of the net family property.

8. An Order for exclusive possession of the matrimonial home.

9. An Order for the sale of the matrimonial home.

10. An Order to freeze the Respondent's assets.

11. An Order to change the children's surname to Alvarez-Singh.

12. An Order to renew and apply for the children's documents without the Respondent's consent.

13. An Order to travel with the children without the consent and signature of the Respondent.

IMPORTANT FACTS SUPPORTING MY CLAIM FOR DIVORCE

☐ **Separation:** The spouses have lived separate and apart since *(date)* **September 15, 2023** and

- ☒ have not lived together again since that date in an unsuccessful attempt to reconcile.
- ☐ have lived together again during the following period(s) in an unsuccessful attempt to reconcile: *(Give dates.)*

☐ **Adultery:** The respondent has committed adultery. *(Give details. It is not necessary to name any other person involved but, if you do name the other person, then you must serve this application on the other person.)*

☐ **Cruelty:** The respondent has treated the applicant with physical or mental cruelty of such a kind as to make continued cohabitation intolerable. *(Give details.)*

IMPORTANT FACTS SUPPORTING MY OTHER CLAIM(S)

(Set out below the facts that form the legal basis for your other claim(s). Attach an additional page if you need more space.)

Background

1. The Applicant, Maria Garcia Alvarez, and the Respondent, Marvin Singh met online in June 2005.

2. They moved in together on January 1, 2007.

3. The parties married on August 1, 2010.

4. They had two children of the marriage, namely Evan Singh, born May 4, 2014 and Camila Singh, born March 7, 2016.

5. The parties separated on September 15, 2023 but lived under the same roof. They slept in separate rooms, cooked separate meals, did not go out together, and only communicated when it involved parenting the children.

6. The Respondent moved out of the home on December 1, 2023 but his address is unknown to the Applicant.

7. The Applicant is the director of finance at ABC Investments in Toronto, Ontario.

8. The Respondent is a self-employed electrician. He does not have a registered company name.

Child Support and Section 7 Expenses

9. The children primarily live with the Applicant.

10. The Respondent sees the children every other weekend since the Respondent moved out.

11. As such, the Applicant is seeking child support in accordance with the Child Support Guidelines.

12. The Respondent deals mainly with cash for his business transactions, so the Applicant would like confirmation of his earnings.

13. Furthermore, the Applicant is seeking section 7 expenses in proportion to their respective incomes.

14. The children are in an afterschool daycare program, which the Applicant has paid. She sent these receipts to the Respondent, but he has not made an payments.

see additional page

Court File Number

APPLICANT'S CERTIFICATE

(Your lawyer, if you are represented, must complete the Lawyer's Certificate below.)

Sections 7.1 to 7.5 of the *Divorce Act* and section 33.1 of the *Children's Law Reform Act* require you and the other party to:

- Exercise your decision-making responsibility, parenting time, or contact with a child in a manner that is consistent with the child's best interests;
- Protect the child from conflict arising from this case, to the best of your ability;
- Try to resolve your family law issues by using out-of-court dispute resolution options, if it is appropriate in your case (*for more information on dispute resolution options available to you, including court-connected mediation, you can visit the Ministry of the Attorney General's website or www.stepstojustice.ca*);
- Provide complete, accurate, and up-to-date information in this case; and
- Comply with any orders made in this case.

I certify that I am aware of these duties under the *Divorce Act* and the *Children's Law Reform Act*.

Date of signature *Applicant's signature*

LAWYER'S CERTIFICATE

My name is: .....

and I am the applicant's lawyer in this case. I certify that I have complied with the requirements of section 7.7 of the *Divorce Act* and section 33.2 of the *Children's Law Reform Act* regarding reconciliation and the duty to discuss and inform.

Date *Lawyer's signature*