

**IMPORTANT!** On all forms, list your first, middle, and last name(s) **exactly** as they are shown on your Marriage Certificate or Marriage Registration Certificate.

If your name is now different than the one shown on your Marriage Certificate or Marriage Registration Certificate, you should explain the reason for the difference in your Form 36: Affidavit for Divorce.

Forms can be found at: [www.ontariocourtforms.on.ca](http://www.ontariocourtforms.on.ca). *Ce guide est également disponible en français.*

### Step 1: Choose the Right Court

**Not all courts deal with every type of family case, so you have to choose the right one for your case.** Only a Superior Court of Justice or a Family Court of the Superior Court of Justice can make a Divorce Order. You can find a list of court addresses by visiting the [Ministry of the Attorney General's website](http://www.ontario.ca/page/ministry-of-the-attorney-general).

**There are rules about where you can start your court case.** You must usually file your application in the municipality where **either** you or your spouse lives. See Rule 5 of the [Family Law Rules](#).

**You may be eligible to file your application online at any time without visiting a courthouse.** You can find more information about this service at <https://www.ontario.ca/page/file-divorce-application-online>.

### Step 2: File the Required Documents with the Court and Pay the Filing Fees

**Complete and file** the following documents with the court:

- [Form 8A: Application \(Divorce\)](#):** The person filing the application is referred to as the applicant and your spouse is the respondent. Bring 3 copies of this completed form for filing.
- Original Marriage Certificate or Marriage Registration Certificate:** If you don't have an original Marriage Certificate or Marriage Registration Certificate, or you were married outside of Ontario, please see the **Additional Information Section** below.
- [Continuing Record](#) and [Table of Contents](#):** Every document you file in your case is included in a continuing record, which is kept in your court file at the courthouse. The applicant starts the continuing record, and is responsible for creating its cover page and table of contents. Court staff can help you with this. The [Formal Requirements of the Continuing Record](#) and rule 9 of the [Family Law Rules](#) tell you how to create and update your continuing record.

When you file your completed documents with the court, you will also need to either pay the filing fees **or** qualify for a fee waiver:

- Filing Fees totalling \$224.00:**
  - Filing an application: **\$214.00**
  - Registration of Divorce Proceedings: **\$10.00**
  
- Fee Waiver (if applicable):** You may be eligible for a fee waiver if you can't afford to pay the fees. Fee waiver request forms and a guide to the process and financial eligibility criteria are available [online](#) or on request at any court. If you're eligible, you won't have to pay most fees.

Once the court clerk has reviewed your documents to make sure they are complete, they will issue your application. This means that they give your case a court file number, and sign, date, and place a court seal on the application.

The court will electronically send information to the federal Department of Justice's Central Registry of Divorce Proceedings to obtain a Clearance Certificate that confirms no other divorce cases have been started in Canada for you and your spouse. The court cannot grant your divorce until they have this Clearance Certificate. **This process can take 4 to 6 weeks.**

### Step 3: Serve a Copy of the Issued Application for Divorce

After the court issues your application, you will need to arrange to serve (i.e. give) your spouse:

- A copy of your issued Form 8A: Application (Divorce)
- A copy of your Continuing Record and Table of Contents
- A blank [Form 10: Answer](#)

Your documents should be served **as soon as possible**, and **no later than 6 months** after the date your application was issued.

**You are not allowed to serve these documents yourself.** You can ask a friend or a family member who is over the age of 18 to do this, or you can hire a process server to serve the forms for you. After this person serves your documents, they must sign and swear or affirm [Form 6B: Affidavit of Service](#), which must then be filed with the court (see Step 4 for more details).

For more information on the different ways to serve documents see rule 6 of the [Family Law Rules](#) and the [guide on serving documents](#), available on the Ministry of the Attorney General's website.

If your spouse lives outside of Canada, the [Hague Convention on the Service Abroad of Judicial and Extra Judicial Documents in Civil or Commercial Matters](#) may apply. There is a [Checklist and Tables](#) listing the countries that have agreed to follow this Convention.



**Your spouse has 30 days to respond after they receive your application (or 60 days if they live outside of Canada or the United States). You must wait until this period of time has passed before you can start Step 4.**

The process becomes more complicated if your spouse responds by serving and filing [Form 10: Answer](#) during the 30 or 60 day period. Your spouse may not agree to the divorce, or may want to ask the court for other things like decision-making responsibility, parenting time, or support. If you receive an Answer from your spouse, the next steps below do not apply to you. You must complete different next steps depending on your particular situation.

#### Step 4: File Additional Documents with the Court and Pay the Filing Fees

If your spouse doesn't respond within the 30 or 60 days after being served, you must complete and file the following documents with the court:

- [Form 36: Affidavit for Divorce](#): You must swear or affirm that the information in this form is true, and sign the form in front of a [qualified commissioner for taking affidavits](#). There are commissioners at all [family court offices](#) who will do this for free. It is a criminal offence to swear or affirm a false or misleading affidavit.
- Original Marriage Certificate or Marriage Registration Certificate** (if not already filed at Step 2).
- If the marriage did not take place in Canada, proof of any previous divorce or the death of either party's previous spouse**: For details, please see the **Additional Information Section** below.
- [Form 6B: Affidavit of Service](#): In this form, you explain how your spouse was served (at Step 3). The person who served your documents must swear or affirm that the information in this form is true, and sign it in front of a qualified commissioner for taking affidavits.
- Draft [Form 25A: Divorce Order](#)**: This form must be typed, not handwritten. In this form, you write the orders you want the court to make. If the court makes all the orders that you want, the judge will sign and date this form and it becomes your Divorce Order. Bring 3 copies for filing.
- Two business-sized envelopes (9 ½" x 4 ⅛")**, each stamped with sufficient postage: one addressed to you, and one addressed to your spouse.

When you file your completed documents with the court, you will also need to either pay the filing fees, or qualify for a fee waiver:

- Filing Fee**: The fee for placing your application on the list for hearing is **\$445.00**
- Fee waiver (if applicable)**: You can apply for a fee waiver at this step (e.g., if you didn't apply at Step 2 or you unsuccessfully applied but your financial situation has changed since then).

The clerk will review your file to confirm that all your documents are in order.

### Step 5: A Judge Reviews Your Divorce Application

After the court receives the Clearance Certificate from the Central Registry of Divorce Proceedings, the clerk will give your file to a judge to review.

If the judge grants your divorce, you and your former spouse will receive a copy of your Divorce Order in the mail. If information is missing from your application, you may be directed to provide additional information to the court before a judge will grant your divorce.

### Step 6: Obtain a Certificate of Divorce (Optional)

If you require a Certificate of Divorce, you must request it from the court office where your Divorce Order was made. You can find the court address by visiting the [Ministry of the Attorney General's website](#). The fee for getting this certificate is **\$25.00**.

If you are unable to get to court yourself, you may ask someone else to go on your behalf, or you may write the court office with your request. Include with your request a cheque for the **\$25.00** fee made payable to the Minister of Finance. Please ensure that you provide the court with a self-addressed envelope with sufficient postage.

You may also request a Certificate of Divorce by submitting online a [Form 36B: Certificate of Divorce](#) and paying the prescribed fee online through [Family Submissions Online](#). You must complete the certificate prior to submitting the form for issuance online.

#### **Additional Information:**

##### **Original Marriage Certificate or Marriage Registration Certificate**

You must file your original Marriage Certificate or Marriage Registration Certificate either at Step 2 when you file your Form 8A: Application (Divorce), or else at Step 4 when you file your Form 36: Affidavit for Divorce.

The court will not give you a divorce until you file one of these certificates, unless the court is satisfied by your explanation in your Form 36: Affidavit for Divorce why it is not possible to get your certificate.

If you were married in Ontario, and you do not have your Marriage Certificate or Marriage Registration Certificate, you may obtain a copy from [ServiceOntario](#) or the [Registrar General of Ontario](#). Note there is a fee charged to obtain a copy of the certificate. You may contact ServiceOntario toll free at 1-800-267-8097 or within Toronto at 416-326-1234. The Office of the Registrar General may be contacted toll free at 1-800-461-2156 or within Toronto at 416-325-8305.

**Married outside Ontario or Canada**

If you were married in another Canadian province or territory, you may order a copy of your Marriage Certificate from the government of that province or territory.

If you were married outside of Canada, and your Marriage Certificate is not in English or French, you will be required to have it translated by a certified translator. You must file both your Marriage Certificate and the certified translation with the court.

**Previous Divorce or Death of a Spouse**

If you were married in Canada, you will be required to provide proof of the death of your spouse. If you were married outside of Canada, you must also provide proof of any previous divorce or the death of your spouse. You will need to contact the government branch responsible for recording this type of information in the other country.

**Court Filing Fees**

Court fees are set by regulation under the *Administration of Justice Act*. [Ontario Regulation 293/92](#) and [Ontario Regulation 417/95](#) set the fees for the Superior Court of Justice and the Family Court of the Superior Court of Justice, respectively.

**You may wish to retain a lawyer to help you with this process.** If you would like to speak with a lawyer, but do not know who to call, the Law Society Referral Service can provide you with the name of a lawyer who will provide a free initial consultation for up to 30 minutes to help determine your rights and options. If you decide to retain the lawyer, their normal fees and disbursements would apply.

If you would like to be referred to a lawyer, you may submit a request to the Law Society Referral Service at [www.findlegalhelp.ca](http://www.findlegalhelp.ca). The telephone number for the service is 1-800-268-8326 or within the Greater Toronto Area, 416-947-3330.

For information on accessibility of court services, including accessible formats of this document for people with disability-related needs, contact:

Tel: 416-326-2220/1-800-518-7901

TTY: 416-326-4012/1-877-425-0575