**Form 59.45**

20 No.

Supreme Court of Nova Scotia

(Family Division)

Between: [complete heading as required by Rule 82 - Administration of Civil Proceedings]

[full name, including middle name(s)]

Applicant

and

[full name, including middle name(s)]

Respondent

**Application for Divorce by Agreement**

**To**: [name of respondent]

**The applicant requests a divorce**

The applicant applies to the court for a divorce order [*and a corollary relief order*] consistent with the written agreement made between you and the applicant on , 20 , which settles all issues concerning the dissolution of the parties’ marriage and corollary relief.

Accordingly, the applicant requests that this application be referred directly to a judge without opportunity for a hearing.

**If you disagree**

You must notify a court officer in writing immediately and no more than ten days after the day this application is delivered to you, if you disagree with any statement made in this application.

**Motion**

The applicant moves for a divorce order and for a corollary relief order consistent with the written agreement.

**Information and evidence in support**

The evidence in support of the motion is as follows:

marriage certificate [if marriage certificate cannot be produced, an affidavit must be filed proving the marriage and providing sufficient reasons for not proving it by certificate]

the applicant’s sworn affidavit filed on , 20 proving the required facts and claims, and attaching the following as exhibits to the affidavit:

written agreement between the parties

respondent’s written consent to this application proceeding without an opportunity for a hearing or contest, which is provided in [*the written agreement./a separate document.*]

designated address of the respondent signed by the respondent, which is provided in [*the written agreement./a separate document.*]

[May delete any of the following that do not apply]

waiver of financial statements filed on , 20

written undertaking not to appeal the divorce order filed on , 20

applicant’s parenting statement filed on , 20

applicant’s statement of income filed on , 20

respondent’s statement of income filed on , 20

applicant’s statement of special or extraordinary expenses filed on , 20

respondent’s statement of special or extraordinary expenses filed on , 20

applicant’s statement of expenses filed on , 20

respondent’s statement of expenses filed on , 20

applicant’s statement of undue hardship circumstances filed on , 20

respondent’s statement of undue hardship circumstances filed on , 20

applicant’s statement of property filed on , 20

respondent’s statement of property filed on , 20

draft divorce order

draft corollary relief order

two stamped envelopes with the designated address of the applicant making this motion and two stamped envelopes with the designated address of the respondent

other required statements or documents [specify]

**Non-parties**

Are there other persons *with* contact time, interaction, or parenting time with the child/children?

Yes, details in the Affidavit.

No

Are there other persons *looking for* contact time, interaction, or parenting time with the child/children?

Yes, details in the Affidavit.

No

**Contact information**

The applicant designates the following address:

Documents delivered to this address are considered received by the applicant on delivery.

**Delivery to respondent**

You will immediately be notified of this application by immediate delivery of a copy of this notice to the address you designated in the agreement.

**Declaration & certificate**

I declare that the statements in this application for divorce are true to the best of my personal knowledge, or information given to me that I believe to be true, and I certify that I am aware of my duties under sections 7.1 through 7.5 of the *Divorce Act,* which include:

1. I must exercise any parenting time or decision-making responsibility that I have with respect to any children of the marriage in a manner that is consistent with the best interests of the child/children;
2. To the best of my ability, I must protect the child/children of the marriage from conflict arising from this proceeding;
3. To the extent that it is appropriate to do so, I must try to resolve the issues in this proceeding through a family dispute resolution process;
4. I must provide complete, accurate and up-to-date information as required under the *Divorce Act,* as part of this proceeding and under a Court Order; and,
5. If I am subject to an order made under the *Divorce Act*, I must follow and comply with the order until it is no longer in effect.

Signed , 20

Signature of applicant

Print name:

**Counsel’s certificate** [delete if not applicable]

I, counsel for the applicant, certify that I have complied with the requirements of section 7.7 of the *Divorce Act*.

Signature of counsel

Print name:

**Court officer’s certificate**

I certify that this application for divorce by agreement was filed with the court on , 20 .

Court Officer