

NOTE FOR FORMS 70 A to 70 Z

In Forms 70 A to 70 Z, the parties should be identified in the title of the proceeding as "husband" and "wife" in addition to their formal designation as "petitioner", "applicant", etc. When this is done, the parties may be referred to in the body of the document as "husband" and "wife" alone.

**FORM 70 A
PETITION FOR DIVORCE**

(General heading)

(Court seal)

PETITION FOR DIVORCE

TO THE RESPONDENT

A LEGAL PROCEEDING FOR A DIVORCE HAS BEEN COMMENCED AGAINST YOU by the petitioner. The claim made against you appears in the following pages.

IF YOU WISH TO DEFEND THIS PROCEEDING, you or a lawyer acting for you must prepare an Answer in Form 70D and a designation of address for service (Form 16A.1) prescribed by the Rules of Civil Procedure, serve it on the petitioner’s lawyer or, where the petitioner does not have a lawyer, serve it on the petitioner, and file it, with proof of service, in this court office, WITHIN TWENTY DAYS after this petition is served on you, if you are served in Prince Edward Island.

If you are served in another province or territory of Canada or in the United States of America, the period for serving and filing your answer is forty days. If you are served outside Canada and the United States of America, the period is sixty days.

Instead of serving and filing an answer, you may serve and file a notice of intent to defend in Form 70H prescribed by the Rules of Civil Procedure. This will entitle you to ten more days within which to serve and file your answer.

IF YOU FAIL TO SERVE AND FILE AN ANSWER, A DIVORCE MAY BE GRANTED IN YOUR ABSENCE AND WITHOUT FURTHER NOTICE TO YOU, JUDGMENT MAY BE GRANTED AGAINST YOU ON ANY OTHER CLAIM IN THIS PETITION AND YOU MAY LOSE YOUR RIGHT TO SUPPORT OR DIVISION OF PROPERTY.

NEITHER SPOUSE IS FREE TO REMARRY until a divorce has been granted and has taken effect. Once a divorce has taken effect, you may obtain a certificate of divorce from this court office.

(Date)

Issued by _____

Registrar

Address of court office _____

TO: *(Name and address of each respondent)*

CLAIM

- 1. The petitioner claims:
 - (a) a divorce;
 - (b) under the Divorce Act,
 - (i)
 - (ii)

- (iii)
- (c) under the Family Law Reform Act,
 - (i)
 - (ii)
 - (iii)

GROUNDS FOR DIVORCE - SEPARATION

2. The spouses have lived separate and apart since _____ (*date*). The spouses have resumed cohabitation during the following periods in an unsuccessful attempt at reconciliation:

(*Date(s) of cohabitation*)

CLAIM

1. The petitioner claims:
- (a) a divorce;
 - (b) under the Divorce Act,
 - (i)
 - (ii)
 - (iii)
 - (c) under the Family Law Reform Act,
 - (i)
 - (ii)
 - (iii)

GROUNDS FOR DIVORCE - ADULTERY

2. The respondent spouse has committed adultery. Particulars are as follows:

CLAIM

1. The petitioner claims:
- (a) a divorce;
 - (b) under the Divorce Act,
 - (i)
 - (ii)
 - (iii)
 - (c) under the Family Law Reform Act,
 - (i)
 - (ii)
 - (iii)

GROUNDS FOR DIVORCE - CRUELTY

2. The respondent has treated the petitioner with physical or mental cruelty of such a kind as to render intolerable the continued cohabitation of the spouses. Particulars are as follows:

RECONCILIATION

3. There is no possibility of reconciliation of the spouses.
 4. The following efforts to reconcile have been made: _____

DETAILS OF MARRIAGE

(Where possible, copy the information from the marriage certificate.)

- 5. Date of marriage _____
- 6. Place of marriage (*municipality and province, state or country*) _____
- 7. Wife's surname immediately before marriage _____
- 8. Wife's surname at birth _____
- 9. Husband's surname immediately before marriage _____

10. Husband's surname at birth _____
11. Marital status of husband at time of marriage,
(*never married, divorced or widower*) _____
12. Marital status of wife at time of marriage,
(*never married, divorced or widow*) _____
13. Wife's birthplace (*province, state or country*) _____
14. Wife's birth date _____
15. Husband's birthplace (*province, state or country*) _____
16. Husband's birth date _____
17. (a) a certificate of the marriage from Vital Statistics (P.E.I.) (or the equivalent thereof from another jurisdiction) of the spouses has been filed with the court.

(b) It is impossible to obtain a certificate of the marriage or its registration because:

RESIDENCE

18. The petitioner has resided in (*municipality and province, state or country*)____
_____ since (*date*) _____
19. The respondent has resided in (*municipality and province, state or country*)____
_____ since (*date*) _____
20. The respondent's current address is _____
21. The petitioner has habitually resided in Prince Edward Island for at least one year
 respondent
immediately preceding the commencement of this proceeding.

CHILDREN

22. The following are all the living children of the marriage as defined by the Divorce Act (*Canada*):

Full name	Birth date	School and grade or year	Person with whom child lives and length of time child has lived there
_____	_____	_____	_____

- The children ordinarily reside in (*municipality and province, state or country*)____
23. (a) The petitioner seeks an order for custody or joint custody of the following children on the following terms:

Name of child	Terms of the order
_____	_____

agrees

The respondent does not agree with the above terms.

- (b) The petitioner is not seeking an order for custody and
 is content that a previous court order for custody continue in force
 is attempting to obtain an order for custody in another proceeding particulars of which are as follows:
(*Give name of court, court file no. and particulars of the order or proceeding.*)

- (c) _____
The petitioner seeks an order for access (*visiting arrangements*) and is content that the respondent have an order for custody of the following children on the following terms:

Name of child

Terms of the order

agrees

The respondent does not agree with the above terms.

24. (a) The following are the existing visiting arrangements (*access*) for the spouse who does not have the children living with him or her:

(b) The existing visiting arrangements (*access*) are satisfactory not satisfactory.
(If not satisfactory, give reasons and describe how the arrangements should be changed.) _____

25. The order sought in paragraph 23 is in the best interests of the children for the following reasons: _____

26. The following material changes in the circumstances of the spouses are expected to affect the children, their custody and the visiting arrangements (*access*) in the future: _____

27. (a) The existing arrangements between the spouses for support for the children are as follows:

Amount paid	Time period (weekly, monthly, etc.)	Paid by (husband or wife)	Paid for (name of child)
_____	_____	_____	_____

(b) The existing support arrangements are being honoured are not being honoured.

(If not being honoured, specify how much is unpaid and for how long. If you seek an order for payment of part or all of the unpaid amount, be sure to include it in the claim on page 2.)

(c) The petitioner proposes that the support arrangements for the children should be as follows:

Amount to be paid	Time period (weekly, by monthly, etc.)	To be paid (husband for or wife)	To be paid (name of child)
_____	_____	_____	_____

28. The educational needs of the children are being met. are not being met.

(If not being met, give particulars.)

OTHER COURT PROCEEDINGS

29. The following are all other court proceedings with reference to the marriage or any child of the marriage: (Give the name of the court, the court file no., the kind of order the court was asked to make and what order, if any, the court made. If the proceeding is not yet completed, give its current status.) _____

DOMESTIC CONTRACTS AND FINANCIAL ARRANGEMENTS

30. The spouses have entered into the following domestic contracts and other written or oral financial arrangements: *(Indicate whether the contract or arrangement is now in effect, and if support payments are not being paid in full, state the amount that has not been paid.)*

Date	Nature of contract or arrangement	Status
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COLLUSION, CONDONATION AND CONNIVANCE

31. There has been no collusion in relation to this divorce proceeding.
32. There has been no condonation of or connivance at the grounds for divorce in this proceeding. *(Where there has been condonation or connivance, strike out the previous sentence. Give details and set out the facts relied on to justify a divorce in the circumstances.)*

MATTERS OTHER THAN DIVORCE AND CUSTODY

33. The grounds for the relief sought in paragraph 1, other than a divorce or custody, are as follows: *(Set out in separate, consecutively numbered paragraphs the material facts relied on to substantiate the claims.)*

TRIAL

34. The spouses propose that if there is a trial in this action, the trial be held at *(place)*

DECLARATION OF PETITIONER

35. I have read and understand this petition for divorce. The statements in it are true, to the best of my knowledge, information and belief.

Date _____
Signature of petitioner _____

STATEMENT OF LAWYER

36. I, *(name)*, lawyer for the petitioner, certify to this court that I have complied with the requirements of section 9 of the Divorce Act. *(Where in the circumstances it would clearly not be appropriate to discuss the matters in section 9 with the applicant, set out the circumstances.)*

Date _____
Signature of petitioner _____

*(Name, address and telephone number
of petitioner's lawyer or petitioner)*

(The following is to appear on the backsheet of the petition.)

ACKNOWLEDGEMENT OF SERVICE

I, _____, am the respondent named in this petition. I acknowledge receipt of a copy of this petition. My address for service of documents in this divorce proceeding is

Date _____ Signature of respondent _____
Signature of witness _____

I, _____, served this petition personally on the respondent.

The respondent completed and signed the acknowledgement of service above in my presence and I signed it as witness.

or

The respondent declined to complete and sign the acknowledgement of service.

Signature _____