

**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 70 D and a designation of address for service (Form 16 A.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 70 H 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) under the *Divorce Act*,
  - (i) a divorce
  - (ii)
  - (iii)
- (b) under the *Family Law Act*,
  - (i)
  - (ii)
  - (iii)

**GROUNDS FOR DIVORCE**

2. Separation - 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)

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

Cruelty – 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, province or state, country) \_\_\_\_\_

#### Information about the petitioner

7. Petitioner's birth date \_\_\_\_\_
8. Petitioner's birthplace (municipality, province or state, country) \_\_\_\_\_
9. Petitioner's surname on the day before the day of the marriage \_\_\_\_\_
10. Petitioner's given names on the day before the day of the marriage \_\_\_\_\_
11. Petitioner's gender on the day before the day of the marriage:  Female  Male  Another Gender
12. Marital status of Petitioner at time of marriage:  Never Married  Divorced  Widowed

#### Information about the respondent

13. Respondent's birth date \_\_\_\_\_
14. Respondent's birthplace (province or state, country) \_\_\_\_\_
15. Respondent's surname on the day before the day of the marriage \_\_\_\_\_
16. Respondent's given names on the day before the day of the marriage \_\_\_\_\_
17. Respondent's gender on the day before the day of the marriage:  Female  Male  Another Gender
18. Marital status of respondent at time of marriage:  Never Married  Divorced  Widowed

#### Marriage certificate

19.  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; *or*
- It is impossible to obtain a certificate of the marriage or its registration because: \_\_\_\_\_

### RESIDENCE

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

**CHILDREN**

24. The following are all the living children of the marriage as defined by the *Divorce Act*:

Full name	Birthdate	School and Grade/Year	Person with whom child lives and length of time child has lived there

The children ordinarily reside in (*municipality, province or state, country*) \_\_\_\_\_

Parenting order

25. The petitioner:
- does not seek an order for parenting time
  - seeks an order for parenting time with respect to the following children on the following terms:

Name of child	Terms of the order requested
_____	_____

26. The following are the current parenting time arrangements (*if there are any Orders or written Agreements in place respecting parenting time, provide details*): (a)

Name of child	Current arrangements
_____	_____

27. The petitioner:
- does not seek an order for decision-making responsibility

seeks an order for decision-making responsibility with respect to the following children on the following terms:

Name of child

Terms of the order requested

\_\_\_\_\_

\_\_\_\_\_

28. The following are the current decision-making responsibility arrangements respecting the following children (*if they are any Orders or written Agreements in place respecting decision-making responsibility, provide details*)

Name of child

Current arrangements

\_\_\_\_\_

\_\_\_\_\_

29. The parenting order sought is in the best interests of the child(ren) for the following reasons:

\_\_\_\_\_

30. The following material changes in the circumstances of the spouses are expected to affect the parenting order in the future: \_\_\_\_\_

Child support

31. With respect to child support, there is

An order in place, dated \_\_\_\_\_ ( *order is attached*).

Is this order being followed?  Yes  No

Is the petitioner seeking to vary the child support terms in this order?  Yes  No

A written agreement in place, dated \_\_\_\_\_ ( *agreement is attached*)

Is this agreement being followed?  Yes  No

Is the petitioner seeking to vary the child support terms in this agreement?  Yes  No

A verbal agreement in place since (*date*) \_\_\_\_\_

Is this agreement being followed?  Yes  No

Is the petitioner seeking a court order on the terms of this verbal agreement?  Yes  No

No order or agreement in place

32. If there is an order, written agreement, or verbal agreement respecting child support in place, provide details of the child support terms in the order or agreement:

(a) Basic child support (table amount)

Name of child	Payable by ( <i>petitioner or respondent</i> )	Amount payable

(b) Special or extraordinary expenses

Name of child	Name of expense	Payable by	Amount of expense

33. If the petitioner is seeking an order for child support, state the terms of the order that the petitioner is seeking:

(a) Basic child support (table amount)

Name of child	Payable by ( <i>petitioner or respondent</i> )	Amount payable

(b) Special or extraordinary expenses

Name of child	Name of expense	Payable by	Amount of expense

34. If the petitioner is seeking an order for basic child support and claims that the *Federal Child Support Guidelines* table amount should not be ordered, briefly outline the reasons here.

**GROUND FOR RELIEF REQUESTED  
(OTHER THAN A DIVORCE AND PARENTING ORDER)**

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

**DOMESTIC CONTRACTS AND FINANCIAL ARRANGEMENTS**

36. 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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### **OTHER COURT PROCEEDINGS OR ORDERS**

37. Family law proceedings or orders

- (a) Are there any current or previous family law orders or proceedings involving you and your spouse/former spouse?
- (b) If yes, give the name of the court, the court file number, the current status of any proceedings, and details of any orders made.

38. Criminal proceedings or orders

- (a) Are you currently charged with committing, or have you been convicted of, a criminal offence involving family violence? If yes, provide details.
- (b) Are you required to follow conditions in relation to a criminal case (for example, bail order, probation order, recognizance (peace bond), or parole order)? If yes, provide details.
- (c) Do you know if your spouse/former spouse is currently charged with committing, or has been convicted of, a criminal offence or required to follow conditions in relation to a criminal case involving family violence? If yes, provide details.

39. Child protection proceedings or orders

- (a) Are you aware of any current or previous involvement of Child Protection Services with you, your spouse/former spouse, or your children? If yes, provide details.

40. Civil protection proceedings or orders (e.g. emergency protection order, victim assistance order)

- (a) Are you aware of any current or previous civil protection orders or proceedings involving you or your spouse/former spouse? If yes, provide details.

### **COLLUSION, CONDONATION AND CONNIVANCE**

41. There has been no collusion in relation to this divorce proceeding.

42. 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.)*

**TRIAL**

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

**DECLARATION OF PETITIONER**

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

45. I certify to this court that I am aware of my duties under sections 7.1 to 7.5 of the *Divorce Act*.

_____	_____
Date	Signature of petitioner <i>(Name, address, telephone number, and email address of petitioner's lawyer or petitioner)</i>

**STATEMENT OF LAWYER**

46. I, *(name)*, lawyer for the petitioner, certify to this court that I have complied with the requirements of section 7.7 of the *Divorce Act*. *(Where in the circumstances it would clearly not be appropriate to discuss the matters in section 7.7(1) and/or section 7.7(2)(a) with the petitioner, set out the circumstances.)*

_____	_____
Date	Signature of lawyer

*(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 \_\_\_\_\_