

Legally speaking.....

Did you know?

Revised
August 2013

UNCONTESTED DIVORCE

A simple, uncontested divorce can be granted when the two spouses have already settled matters relating to parenting, support and division of property. Applications for divorce can be made solely or jointly with your spouse. An application made jointly is less complicated. This fact sheet assumes that you are filing for divorce from your spouse by yourself.

Can I do the divorce myself?

In a simple divorce where family matters have been settled and both parties agree, you might be able to prepare and file the divorce without hiring a lawyer. There is a self-help guide online at http://www.familylaw.lss.bc.ca/guides/divorce/divSole_index.php.

What is the procedure?

In order for a divorce to be granted, you or your spouse must have been ordinarily resident in B.C. for at least one year and be separated before you file your **Notice of Family Claim**. You can start your divorce proceedings less than a year after you separate, but you cannot complete the divorce until a year has passed since your separation date. If you are the one starting the divorce proceedings, you are called the **claimant**. Your spouse is called the **respondent**. You will need to fill out **Schedule 1** and provide proof of marriage (eg. your marriage certificate or a certified copy of it from the Division of Vital Statistics). You must specify any arrangements that have been made regarding parenting, support and division of property and debt.

You may need to complete a **Financial Statement**, if required. When your documents are completed and signed, you will have to file the original and three copies in the BC Supreme Court Registry. There is a filing fee of \$200.

You will then need to have the documents personally served on the respondent. To assist the process server, you could provide them with a photo of your spouse. If you don't know the whereabouts of your spouse it is possible to ask the Court for an order for substituted service. A respondent in B.C. has 30 days to respond to the Notice of Family Claim and Financial Statement. Once you have filed and served the Notice of Family Claim, have lived separate and apart from your spouse for one year, and have waited the required time for a response, you must swear and file special affidavits. The timing of this is important. Then you must file various requisitions. These four forms assist the Court to grant your divorce. For the final application, you submit your documents to the Registry in a certain order along with an \$80 filing fee. After a judge signs the divorce order, there is a 31 day appeal period before the divorce takes effect.

For More Information

Dial-a-Law (free, pre-recorded information)

Lower Mainland: 604-687-4680

Elsewhere in BC: 1-800-565-5297

www.dialalaw.org

Family Law website: www.familylaw.lss.bc.ca

Vancouver Justice Access Centre: 290-800 Hornby Street, Vancouver. **604 660-2084**



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This information sheet is produced by

NORTH SHORE COMMUNITY RESOURCES SOCIETY with financial assistance from the NOTARY FOUNDATION.