**DIVORCE**

Under the \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_*,* marriage breakdown is the only admissible ground for divorce.

**By law, a marriage has broken down if:**

* you and your spouse have lived apart for \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ and have decided your marriage has ended (you may begin divorce proceedings at any time after you have separated, but one year must elapse before a judge can grant a Divorce Order); or
* your spouse has committed \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ (sexual intercourse with someone other than you); or
* your spouse has been \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ and/or \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_to you

If your situation qualifies as marriage breakdown, and either you or your spouse has \_\_\_\_\_\_\_\_\_\_\_\_\_ in British Columbia for the past \_\_\_\_\_\_\_\_\_, you may apply for a divorce in this province.

**Two Types of Divorce**

**1.** \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

If you and your spouse \_\_\_\_\_\_\_\_\_ to divorce, you may file a joint Writ of Summons - Family Law Proceeding (Form 127A) and a Statement of Claim - Family Law Proceeding (Form 128A). This means you are asking the court for a \_\_\_\_\_\_\_\_\_ Divorce Order. To file a joint *Writ of Summons* and *Statement of Claim*, \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ including custody, access and support, and both spouses must sign the Writ of Summons and Statement of Claim.

**2.** \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

An undefended divorce is where \_\_\_\_\_\_\_\_\_ spouse (the plaintiff) is asking the \_\_\_\_\_\_\_\_\_ spouse (the defendant) for a divorce and the defendant\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_any of the details of the divorce action, such as custody, access, or support.

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

A defended divorce is where one spouse (the plaintiff) is asking the other spouse (the defendant) for a divorce and the defendant \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ either the details of the relief in the divorce action or the divorce itself. If you are doing your own divorce and your spouse disputes the divorce action, you should consider seeking legal advice.

**Do-it-yourself Divorce in B.C.**

The [Divorce Act](http://lois.justice.gc.ca/en/D-3.4/) makes it possible for many married couples in Canada to handle divorce proceedings \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, without hiring lawyers to act on their behalf.

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ of your divorce application depends on the \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ of your case as well as when clearance is received from the \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ in Ottawa. Processing can take \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_from start to finish, but may take longer.

If the judge determines that you are \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ to a divorce, she or he will grant you a \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_. Your divorce is automatically final \_\_\_\_\_\_\_\_\_ days after the *divorce order* is granted if no appeal is filed.

