

Form 15-6
(Subrule 15-6(1))

COURT FILE NUMBER _____
COURT OF QUEEN'S BENCH FOR SASKATCHEWAN
(FAMILY LAW DIVISION)
JUDICIAL CENTRE _____
PETITIONER(S)/
CO-PETITIONER(S) _____
RESPONDENT(S) _____



PETITION

NOTICE TO RESPONDENT

A LEGAL PROCEEDING HAS BEEN STARTED AGAINST YOU IN THIS COURT. The details of the claim made against you are set out in the following pages.

IF YOU WISH TO DISPUTE ANY OF THE CLAIMS, OR IF YOU WISH TO MAKE ANY CLAIM YOURSELF, either you or a lawyer must prepare an Answer in Form 15-14A or an Answer and Counterpetition in Form 15-15, serve a copy on the petitioner or the petitioner's lawyer at the address for service given in the Petition, and file it, with proof of service, in this Court:

- (a) WITHIN 30 DAYS after this Petition is served on you, if you are served in Canada or in the United States; or
- (b) WITHIN 60 DAYS after this Petition is served on you if you are served outside Canada or the United States.

Before serving and filing an Answer, you may serve and file a Notice of Intent to Answer in Form 15-14B. This will entitle you to 10 more days within which to serve and file your Answer.

If this Petition contains a claim for support, YOU MUST SERVE AND FILE A FINANCIAL STATEMENT in Form 15-26A within the time set out above for serving and filing your Answer, whether or not you wish to file an Answer. If you have been served with a claim for child support, and you do not comply with this notice or the Notice to File Income Information, also served on you, THE COURT MAY IMPUTE INCOME TO YOU AND MAY DETERMINE THE AMOUNT OF CHILD SUPPORT PAYABLE ON THE BASIS OF THAT IMPUTED INCOME. If you have been served with a claim for child support or if you intend to make a claim for child support in your Answer, please consult the Federal Child Support Guidelines.

If this Petition contains a property claim, YOU MUST SERVE AND FILE A PROPERTY STATEMENT in Form 15-26B within the time set out above for serving and filing your answer, whether or not you wish to file an Answer.

If you have also been served with an Originating Application, YOU OR YOUR LAWYER SHOULD SERVE AND FILE YOUR AFFIDAVITS IN RESPONSE TO THE APPLICATION 7 DAYS BEFORE THE DATE SET FOR HEARING THE APPLICATION, and come to Court for the application on the date set.

If you do not oppose or dispute the Petition, but wish to be informed of subsequent steps in the proceeding, you may serve and file a Demand for Notice in Form 15-16; after that notice of all subsequent pleadings or proceedings shall be served on you.

IF YOU FAIL TO SERVE AND FILE AN ANSWER, A JUDGMENT MAY BE GRANTED IN YOUR ABSENCE AND WITHOUT FURTHER NOTICE TO YOU ON ANY CLAIM IN THIS PETITION, INCLUDING DISSOLUTION OF YOUR MARRIAGE AND DIVISION OF YOUR PROPERTY.

IF THE PETITION SEEKS A DIVORCE, NEITHER SPOUSE IS FREE TO REMARRY until a judgment of divorce takes effect.

This Petition is to be served within 6 months from the date on which it is issued, unless ordered otherwise.

This petition is issued at _____, Saskatchewan,
this _____ day of _____, 2 _____.



Local Registrar

(In a divorce proceeding, if a joint petition is filed, the above Notice to Respondent is to be deleted)

TO THIS HONOURABLE COURT:

CLAIM

1 I (We) ask this Honourable Court for the following remedy:

(a) *Divorce Act (Canada)*

- Divorce
- Custody
- Access
- Support for myself in the amount of \$ _____ per month
- Support for children in an amount determined in accordance with the Federal Child Support Guidelines
- Support for children in the amount of \$ _____ per month *(if different from table amount under the Federal Child Support Guidelines)*
- Other *(specify)* _____

(b) *The Family Property Act*

- Exclusive possession of family home
- Division of family home: _____ equal _____ unequal
- Division of family property: _____ equal _____ unequal

(c) *The Children's Law Act, 1997*

- Custody
- Access
- Guardianship over children's property
- Declaration of parentage
- Other (*specify*) _____

(d) *The Family Maintenance Act, 1997*

- Maintenance for myself in the amount of \$ _____ per month
- Maintenance for children in an amount determined in accordance with the Federal Child Support Guidelines
- Maintenance for children in the amount of \$ _____ per month (*if different from table amount under the Federal Child Support Guidelines*)
- Other (*specify*) _____

(e) Judicial separation under *The Queen's Bench Act, 1998*

(f) Nullity of marriage

(g) Relief under *The Dependants' Relief Act, 1996*

(h) Relief between the persons who have lived together as spouses

- Interest in property
- Monetary compensation
- Other (*specify*) _____

(i) Other (Specify Act if any)

(j) Costs (Specify particulars of the amount and basis for the claim.)

I

N THE CIRCUMSTANCES set out below:

PARTICULARS OF MARRIAGE BREAKDOWN:

2 A certificate of the marriage or of registration of the marriage has been filed with the Court.

or

2 An undertaking to file the certificate of marriage or of registration of the marriage with the Court by _____ has been filed with the Court.

(date)

or

2 It is impossible or impractical to obtain a certificate of the marriage or of registration of the marriage and application has been made for an order dispensing with production of the certificate.

3 There has been a breakdown of the marriage by reason of: *(Refer to separation, adultery or cruelty by reference to appropriate sections of the Divorce Act (Canada) or The Queen's Bench Act, 1998.)*

4 The facts on which my petition for divorce (or judicial separation or nullity) is based are:
(Set out fully but concisely all the material facts relied on, but not the evidence by which the facts are to be proved.)

5 The following efforts to reconcile have been made:

6 It is no longer possible for me to reconcile or resume cohabitation with my spouse.

COLLUSION, CONDONATION AND CONNIVANCE:

7(a) I have truthfully set out the facts establishing the breakdown of my marriage and I have not entered into any agreement, understanding or arrangement to make up or hide evidence or to deceive the Court.

(b) *(If adultery or cruelty is the basis of the marriage breakdown:)* I have not encouraged my spouse to act in the manner that I have outlined, nor to commit or continue the alleged acts. I am unable to forgive my spouse and resume marital cohabitation as a result of his/her acts and conduct towards me.

MEDIATION:

8 The mediation facilities utilized to negotiate matters pertaining to support or custody are as follows:

PARTICULARS OF PROPERTY CLAIM:

9 At the date of issue of this petition the respondent and I owned or held an interest in real and personal property either separately or jointly. The particulars of that property are set out in my Property Statement in Form 15-26B filed in this proceeding (or which will be filed within 10 days of the issue of this Petition). *(A Property Statement need not be filed if the parties have agreed on the remedy and a Waiver of Financial and Property Statements in Form 15-28A has been filed.)*

10 I am entitled to an equal distribution of the family home and/or the family property.

or

10 My grounds for claiming that an equal distribution of the family home and/or the family property would be unfair and inequitable are as follows: *(Refer to specific sections of The Family Property Act.)*

or

10 The facts on which my claim for an interest in property or monetary compensation as persons who have lived together as spouses is based are:

PARTICULARS OF RELATIONSHIP:

11 The respondent and I were married on _____ at _____
(date) (place)

or

11 The respondent and I are spouses as defined by *The Family Maintenance Act, 1997* and commenced cohabitation on _____ at _____
(date) (place)

and/or

11 The respondent and I are parents as defined by *The Children's Law Act, 1997*.

12 I ceased to cohabit with the respondent on or about _____
(date)

or

12 I have never cohabited with the respondent.

or as the case may be.

PARTICULARS OF PARTIES:

13 My surname at birth: _____

14 My surname immediately before marriage: _____

15 My marital status at time of marriage _____
(never married, divorced or widowed)

16 I was born: _____
(date)

17 The respondent's surname at birth: _____

18 The respondent's surname immediately before marriage: _____

19 The marital status of respondent at time of marriage: _____
(never married, divorced or widowed)

20 The respondent was born: _____
(date)

RESIDENCE:

21 My address is: _____

22 The respondent's address is: _____

23 I have (or the respondent has) been ordinarily resident in Saskatchewan since: _____
(date)

CHILDREN:

24 There are no children of the respondent or myself who are in the custody or care of either of us.

or

24 The names, dates of birth and place of residence of all children of the respondent and I who are in the custody or care of either of us are:

24A The children with respect to whom remedy is claimed are:

and/or

I am claiming no remedy with respect to the following children:
Because:

24B The particulars of the current custody and access arrangements of the children are as follows:
which is satisfactory (*or* unsatisfactory) for the following reasons:

24C I claim custody (*or* joint custody) of the following children on the following terms:

and/or

I agree that the respondent have an order for custody (*or* joint custody) of the following children:

24D I propose to permit access to the following children on the following terms: (*Specify times and length of access*)

and/or

I claim access to the following children: (*Specify times and length of access*)

24E The proposed arrangement for custody and access is in the best interest of the children for the following reasons:

24F The following changes of circumstances of myself or the respondent are expected to affect the children, their custody and access, in the future:

24G The nature of my relationship to and interest in the children is as follows:

24H The nature of the respondent's relationship to and interest in the children is as follows:

24I Other than the respondent and myself, the following persons may have an interest in the custody of or access to, or may have an obligation to support, the children: (*State name, address and relationship to children*)

24J The existing financial arrangements for the support of the children are as follows:

24K I propose that the financial arrangements for the support of the children, having regard to the remedy claimed, should be as follows:

24L (*If the amount claimed is different than the table amount under the Federal Child Support Guidelines.*) I am claiming child support in an amount different from the table amount determined under the Federal Child Support Guidelines due to:

- Child 18 or over
- Income over \$150,000
- Split custody
- Shared custody
- Payor standing in place of a parent
- Undue hardship, particulars of which are set out in Part 4 of my Financial Statement;

- Special or extraordinary expenses, particulars of which are set out in Part 3 of my Financial Statement.

The facts to substantiate the proposed terms of child support are as follows:

SPOUSAL SUPPORT:

25 The facts to substantiate the proposed support for myself are as follows: (*Make reference to your conditions, means, needs, and other circumstances.*)

PROCEEDINGS AND AGREEMENTS:

26 The particulars and status of all other legal proceedings instituted between myself and the respondent with reference to the marriage, cohabitation, custody, support, maintenance or division of property are:

27 The dates of any written or oral separation or financial or custody agreements between myself and the respondent are:

The agreement pertains to:

- | | |
|--|---|
| <input type="checkbox"/> custody of the children | <input type="checkbox"/> spousal support |
| <input type="checkbox"/> access to the children | <input type="checkbox"/> division of property |
| <input type="checkbox"/> child support | <input type="checkbox"/> other (<i>specify</i>) |

(If it is sought to incorporate provisions of a separation agreement in the judgment, refer to the specific provisions to be incorporated.)

28 The particulars of any other orders or agreements relating to any child in the custody or care of either the respondent or I are:

FINANCIAL INFORMATION:

29 My Financial Statement in Form 15-26A is filed in this proceeding (*or will be filed within 10 days of the issue of this Petition*). (*File if the Petition contains a claim for support. However, a Financial Statement need not be filed if the only financial claim is for child support in the table amount, or if one of the following alternatives applies.*)

or

The respondent and I have agreed on the amount to be paid for child support and on the annual income of each of us who would be required to provide income information under the Federal Child Support Guidelines, and an Agreement as to Child Support in Form 15-28B is filed in this proceeding.

or

(If there is no claim for child support.) The respondent and I have agreed on the amount to be paid for spousal support, and a Waiver of Financial and Property Statements in Form 15-28A is filed in this proceeding.

30(a) My occupation is: _____

30(b) My place of employment is: _____

30(c) My current annual income from all sources is estimated to be \$ _____.

31(a) The respondent's occupation is: _____

31(b) The respondent's place of employment is: _____

31(c) The respondent's current annual income from all sources is estimated to be \$ _____

JOINT PETITION: *(Include in a divorce proceeding, if a joint petition is filed)*

32 We state that we are presenting this joint petition for divorce with full knowledge that:

- (a) each of us is entitled to obtain legal advice independently of the other;
- (b) each of us is entitled to be separately represented by a lawyer of our own choice; and
- (c) neither of us can legally be forced or required by the other to seek a divorce or to sign this Petition for Divorce.

DATED at _____, Saskatchewan, this _____ day
of _____, 2 _____.

(signature of petitioner or co-petitioners)

(In a divorce proceeding, if a joint petition is filed, include:

NEITHER SPOUSE IS FREE TO REMARRY until a judgment of divorce takes effect.

This petition is issued at _____, Saskatchewan,
this _____ day of _____, 2 _____.



Local Registrar

STATEMENT OF LAWYER

(In a divorce proceeding or a proceeding under The Family Maintenance Act, 1997 or The Children's Law Act, 1997 if petitioner is represented by a lawyer)

I, _____, the lawyer for _____, the Petitioner in this proceeding certify to this Court that I have complied with the requirements of subsection 9(1) of the Divorce Act (Canada) with respect to reconciliation and subsection 9(2) of the Divorce Act (Canada) (or subsection 16(1) of The Family Maintenance Act, 1997 or subsection 11(1) of The Children's Law Act, 1997) with respect to negotiation and mediation. (If the circumstances of the case are of such a nature that it would clearly not be appropriate to so comply, set out the circumstances.)

DATED at _____, Saskatchewan, this _____ day of _____, 2 _____.

(signature of lawyer)

CONTACT INFORMATION AND ADDRESS FOR SERVICE

If prepared by a lawyer for the party:

Name of firm: _____
Name of lawyer in charge of file: _____
Address of legal firms: _____
(set out the street address)
Telephone number: _____
Fax number (if any): _____
E-mail address (if any): _____

or

Address for service and contact information of party filing this document:

Name of party: _____
Address for service: _____
(set out the street address)
Telephone number: _____
Fax number (if any): _____
E-mail address (if any): _____